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The History of the British Empire

by George Brodie.

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now, that, from the necessities of the p
parliament could not be ignominiously d
like the four preceding; and proportionally st
was their confidence in having at length found
remedy for all their grievances. The influence of
the executive in elections was therefore vastly
diminished *. The selfishly cautious laid aside
their interested prudence with the change of times;
and the patriotic struck up upon a bolder key:
There was even another class who, though they
d formerly truckled to power, now manfully de-
aimed against the infringements of public rights.
Of the last, the most conspicuous was Mr. Hyde,
afterwards the famous Lord Clarendon, who does
not scruple to inform us, in his history of his own
life, that during the discontinuance of parliaments,
he had s ained the patronage of Laud and other
that their countenance procured him
t from the judges in the courts at West-
circumstance which, having been gen-
arked, brought him great professional
ractice †. This noble historian endeavours, in the
ourse of his work, to depreciate certain lawyers
who rose to eminence during the ensuing civil
broils, by alleging that they had been previously
little heard of in the profession; but the manner
in which he accounts for his own success, defeats
the effects of his remarks upon others in the sam

* Hardwicke's State Papers, vol. ii. p. 190. Clarendon's S
Papers, vol. ii. p. 131. as to the interference of government.
course of the elections is complained of in the Eikon. Whitelocke, p. 3

† Clarendon's Life, vol. i. p. 31. 60-1.

must leave small room for doubt in any judiced mind, that it is more creditable to memory of those whom he undervalues for their want of success, that they were little known, than to his, that the sworn guardians of the law favoured him as the creature of Laud, for the purpose of ingratiating themselves with that meddling priest and his coadjutors.

It is needless to dwell upon the awful crisis at which this parliament met. The invasions of berty had been as avowed as they were profliga the very semblance of justice, which is at least homage to law, as hypocrisy is to virtue, had bee despised; despotism unmasked having raged in a its deformity. The faithful discharge of duty i the senate had not only been attended with th most disgraceful dissolutions, but been visited witl terrible penalties in the persons of its while the determination had been for pense entirely with the legislature—a tion from which an unforeseen necessit obliged the prince to depart: The pul pit, by t very royal injunctions, the council table, th bench, had all been polluted with the disclosure and the two last, with the practice also, of princi- ples subversive of every thing valuable in civil in- stitutions: Industry had been so suspended, by destructive monopolies and arbitrary impositions, with other illegal proceedings, that a portion even the manufacturers of woollen cloth, the staple England, had emigrated with their capital to the

Continent * : While the rights of pr
so violated, that it was well observed
that the people had become tenants a
was it a small aggravation, that the money
cally wrung from the community, instead of
conveyed into the treasury, went to enrich in
dual favourites. Illegal, unheard-of cruel im
prisonments, and inhuman corporal punishments, as flogging, cropping the ears, slitting the nose, and branding the face, had been brought to the assistance of arbitrary courts against men of rank and learning. The established religion had been nearly subverted for the pageantry of the Romish superstition, while the impugners of audacious novelties had been exposed to the tyrannical vengeance of arbitrary courts, which set no limits to their punishme p. Nay, even those who preferred to seek a habitation in the then dreary and savage climes beyond the Atlantic, to living under a state of civil and religious slavery at home, were interdicted from this last resort, while measures were prepared to bring the American settlements under the same yoke with the mother country. The clergy had, under the royal countenance, assumed, in convocation, legislative powers, and even imposed on the general body, taxes which were exigible under severe penalties. They had affected to be independent of the civil power, and even endeavoured to have themselves exempted from ordinary jurisdiction ; while, by their ill

* Cobbet's Parl. Hist. vol. ii. p. 643. 655. Old ditto, vol. ix. p
85.

had spread general dismay: Laud sumed the style as well as the powers

was the state of affairs in England; but l these grievances been insufficient to rouse people into a proper sense of their condition, nd of the incalculable misery which would necessarily flow from the present unconstitutional system, the measures lately pursued against the Scots, and the policy of Strafforde in Ireland, must have satisfied them, that if they did not embrace the present opportunity for redressing their wrongs, all that they [redacted] in their religious or civil institutions, would [redacted]bably be lost for ever. In Scotland, Charles had openly tried to overturn every thing civil and religious which the people most venerated, and had branded [redacted]sistance to such unhallowed measures as the most unnatural rebellion,—a rebellion which he delegated powers to crush with fire and sword, declaring, in the stubbornness of pride, that he would rather die than submit to the demands of his subjects,—demands which merely imported a recalment of innovations upon the established worship and laws. Nor had he a colour for the apology usually resorted to, and which he availed himself of on other occasions, that he consulted the general wish against the factious inclinations of the few, who raised a clamour under that pretext, to embroil civil affairs; for he did not hesitate privately to express conviction, that his measures were fraught with ruin of his people. In Ireland, the administration of Strafforde had kindled an hostility to

the government, and a personal abl
self, almost unparalleled in history.

While such was the posture of affairs,
scarcely have anticipated the following la
even from Mr. Hume: "The grievances
tended chiefly to inflame the parliament and
tion, especially the latter, were the surplice, th
rails placed about the altar, the bows exacted on
approaching it, the liturgy, the breach of the Sab-
bath, embroidered copes, lawn sleeves, the use of
the ring in marriage, and of the cross in baptism.
On account of these," continues he, "we
popular leaders content to throw the government
into convulsions; and, to the disgrace of that age
and of this island, it must be acknowledged, that
the disorders in Scotland entirely, and those in
England mostly, proceeded from so mean and
contemptible an origin." How far this view of
facts is correct, the reader must by this time be
prepared to determine; but the passage, and it is
only a specimen of this author's manner, is surely
as remote from philosophical liberality as from
truth. Aware that the attempt to justify the
monarch for endeavouring to impose popery upon
the nation, would never be listened to with pa-
tience, the historian generally ridicules the im-
puted purpose as a senseless clamour, and probably
means to convey, in this passage, that the innova
tions introduced were altogether unimporta
But he forgets that if it were disgraceful in
nation to be so appalled with such mean and
temptible innovations, it betrayed, even in a reli
view, a much greater want of good sense in C

s, whose cause he advocates, to at-
nsequence to them as not only to
m under severities revolting to humani-
at the hazard of a convulsion; for there
lighty difference between the case of a people
merely adhere to the established worship,
against the wish of their monarch, who has no
right to dictate to them, and that of a king, who,
in despite of the laws, abuses the power entrusted
to him, in order to force his subjects into the
adoption of his peculiar tenets. If, on the other
hand, it be alleged, that Charles was endowed
with too much good sense to be the slave of such
contemptible superstition, then the historian en-
tirely overlooks, that the conduct of the prince
assumes, in that case, the character of the blackest
depravity, in wantonly inflicting the most hideous
punishments for disobedience to his capricious
commands, and exposing the kingdom to all the
horrors of a convulsion, for an object which he con-
sidered intrinsically unimportant. But it cannot
be denied that the people, even though they had
regarded the innovations as abstractly trivial, would
have shewn themselves utterly unworthy of their
political privileges, had they not resisted changes
thus tyrannically obtruded; since the introduction
of them, with such penalties, imported powers in
the throne inconsistent with every idea of civil and
ligious liberty. The most despotical monarchs
e commonly the good sense to know that the
npt to interfere with the established religion,
st the wishes of the people, would shake their
s. It was vain for Mr. Hume, however, to

represent the innovations as so uni
those which he enumerates were abl
people, not as merely ceremonial, but a
both of greater changes, and of substanti
tions in faith; and this was questionless the
with which they were introduced. The histo
himself elsewhere takes nearly the same view, in-
forming us, that "not only the discontented puri-
tans believed the church of England to be relapsing
fast into the Romish superstition, but that the
Court of Rome itself entertained hopes of regain-
ing its authority in this island." "And," says he,
"it must be confessed, that though Laud deserved
not the appellation of a Papist, the genius of his
religion was, though in a less degree, the same
with that of the Romish: The same profound re-
spect was exacted to the sacerdotal character, the
same submission required to the creeds and decrees
of synods and councils, the same pomp and cere-
mony were affected in worship, and the same super-
stitious regard to days, postures, meats, and vest-
ments." It was not the name of Popery that the
people disliked, but the thing; and with regard to
Laud, it was well remarked in parliament, that a
pope at Rome was less intolerable than one at
Lambeth. It would have afforded some, though a
very inadequate, apology for this prince, that he
was actuated by mistaken notions of religious duty;
but it is, unfortunately, demonstrable, from his own
correspondence, that his object was merely to assi-
milate the faith and worship to those of despotical
countries, that they might operate in preparing the
public mind for the same civil subjection. With-

nce of such superstition, he conceiv-
ble to subjugate his people, and in or-
mplish the fond object of his wishes, he
t no prudent despot ever attempted, at-
d all that the community venerated, and thus
dled a flame which was necessarily directed
against that usurped prerogative which imposed in-
novations. By his absurd and wicked policy, there-
fore, he roused into an enemy that religious feel-
ing which, in these measures, he insidiously aimed
at converting into a necessary ally of arbitrary
power. Aware that he stood by public opinion,
he yet, in the chimerical hope of substituting sen-
timents more favourable to his pretensions, lost
that support of the throne, by insulting as well as
violating all that the people esteemed most sacred.
All the religious innovations which, as we have
shewn, were, in spite of Mr. Hume's sneers, of the
most aggravated nature, and were also the pre-
cursor of farther change, sprang from the grossest
abuse of civil power; and the grievances in church
and state, therefore, necessarily found the same
advocates. Hence the field which has been open-
ed for the ridicule so successfully poured upon that
period. Men became naturally zealous for their
faith in proportion to the violence with which the
prince attempted to deprive them of it, and as their
language corresponded with the occasion, it is
easy to misrepresent the age, by viewing its cha-
racter, through the medium of times when the es-
tablished religion was protected instead of being
sapped, and abstracted from all the circumstances
that then operated upon the public mind.

The picture which has bee
therefore, unjust; and it is only
the works of that period, even the
professed puritans, as Ludlow, Hutc
ton, &c. to be satisfied that the same min
were so fervently imbued with religious zea
not only illuminated by genius, but enriched
the choicest literature of ancient and modern time
Gloomy and fanatical as that period is represented
to have been, it is not to be doubted that a similar interference, even now, with the established faith and worship, would lead to the same result. But it should always be remembered, that the arbitrary proceedings of the prince, in regard to religion, not only implied the arrogation of a power to make any farther changes, but an authority incompatible with the very idea of every thing like civil or religious rights. Religion, therefore, formed a grand portion of the contest, even viewed in regard to its civil consequences, and it was dearly esteemed on its own account: but it was only an integral part of the general disease of the state. The privileges of the nation had been assailed in all points, and there was an almost universal cry for redress *.

* "But," says Mr. Hume, "it may be worth observing, that all historians who lived near that age, or what perhaps is more decisive, all authors who have casually made mention of those public transactions, still represent the civil disorders and convulsions as proceeding from religious controversy, and consider the political disputes about power and liberty as entirely subordinate to the other." Now, who are the historians and authors to whom he alludes?—Whitelocke, Clarendon, nay, Ludlow, or even Hutchinson and Milton? Does he discover it in the Parliamentary Debates, or the State Papers, or in the innumerable pamphlets published during the contest? The parlia-

[redacted] to embrace the opportunity [redacted] wrongs, and adopting measures [redacted] recurrence, they must have de[redacted]en pronounced worthy of the slavery [redacted] been prepared for them; and matters [redacted] have either terminated in a dreadful convul[redacted] in the next age, or Britain, the seat of wealth [redacted] innumerable comforts, the preserver and disse[redacted]minator of rational liberty in modern times, and hence, the nurse of genius and the mother of science—the land which has, in reality, given the impulse, in modern times, to the cultivation of every thing valuable in all quarters of the polite world, must have sunk into all the deplorable misery of the Peninsula. When the case is thus broadly stated, there is scarcely a mind which can refuse its assent to the proposition, that at a certain limit submission would have been criminal; yet it ought not to be overlooked, that the advocates of arbitrary power would have then discovered, in the previous tyranny and the pusillanimous acquiescence, still stronger arguments with which to vindicate the prince and condemn the people. Every former act of arbitrary power would have been, in that event, represented

mentary leaders were indeed blamed by one of their own party for dwelling too much on the religious grievances, and thus in a manner withdrawing the public attention from the multiform oppressions under which the kingdom had groaned; but no one can peruse the sources of information to which we have referred, without being satisfied of the groundlessness of this artful, sweeping, unauthorised, [redacted]ment. The cotemporary royalist writers always maintained that the clamour about religion was a mere colour for factious designs against the government!

in the blackest colours, and t
people vilified, in order to thro
nation for their unjust rebellion
whose only fault consisted in acting
the principles to which he had equally
with the throne; while the popular leade
have been reproached as artful demagogues
inflamed the people with chimerical notions of l
dom to which their ancestors never pretended,—
as austere fanatics, who were content to plunge the kingdom into convulsions for an object altogether mean and contemptible. All the benefits accruing from their virtuous struggle would have been forgotten, while the calamities, the vices, arising naturally out of a period of convulsion, would have been incalculably exaggerated, as a warning to after ages never to assert their rights against the will of the chief magistrate. To the spirit of our ancestors, therefore, we owe all our most invaluable privileges; and it would be ungrateful not to acknowledge the obligation *.

* In the above I have endeavoured to embrace the sum and substance of Mr. Hume's defence of the Stuart family. But the following singular note deserves a remark: "Lord Clarendon, vol. i. p. 233, says, that the parliamentary party were not agreed about the entire abolition of episcopacy. They were only the *root and branch* men, as they were called, who insisted on that measure. But those who were willing to retain bishops, insisted on reducing their authority to a low ebb, as well as on abolishing the ceremonies of worship and vestments of the clergy. The controversy, *therefore*, between the parties was almost wholly theological, and that of the most frivolous and ridiculous kind." Really it is distressing to find an author of Mr. Hume's powers writing in this style; and it is scarcely possible to conceive a more complete *non sequitur* than that, because the people desired an abolition of ceremonies, which were intended to substi-

d long ago foretold, that if
ed to call a parliament, he, as a
would be sacrificed to the public
and whose injustice and unrelenting
had made him personal enemies, who
olved to pursue him to the scaffold, now
ed leave to retire to his government of Ire-
d, or to remain with the army at York, that, re-
moved from the eye of parliament, he might elude
its vengeance; but Charles, who depended much
upon his advice, insisted on his being near his per-
son, assuring him that not a hair of his head should
be touched *. The event proved that, though in

tute a religion of the imagination for that of the heart, in order to prepare the public mind for the doctrine of passive obedience in the state, ceremonies which were not so inhumanly enforced as altogether insignificant, but which implied points of faith universally abhorred—that because they desired to reduce the power of a body, or even to abolish the order that had so monstrously abused their function against the civil and religious privileges of the nation,—"*Therefore*, that the controversy between the parties was almost wholly theological, and that of the most frivolous and ridiculous kind." Did it really follow that, because this was one branch of grievance, there was no other? With such logic, we should not wonder at his conclusions, even independently of his statements. But was this author so unphilosophical and uncharitable as to conclude, that because all points of faith were, in the abstract, viewed with indifference by himself, the people might justly be compelled, by bloody persecution, to embrace any religious innovations at the will of the prince? Did he not perceive the political consequences of these innovations? and infer that, as they were imposed out of political motives, so they were justly resisted on the same principle? It is strange, too, that great part of his argument goes to establish that new ideas of government had sprung up during the dynasty of the Stuarts, and yet that elsewhere he ascribes all to religion.

* Whitelocke, p. 37. This writer tells us that, as the Parliament was to meet on the 3d of November, "some persuaded the archbishop to

despite of experience, th
nately blind in regard to the
minister had discernment to perc
power which had raised him, an
him in injustice, was unable to protec
hour of retribution.

The king, who depended much upon th
rity of the speaker of the lower house for man
the Commons, had predetermined to have Sir T
mas Gardner, recorder of London, appointed to
that situation; but, notwithstanding all the efforts
of government, the people, who knew the character
of the man, (he was afterwards impeached for recommending ship-money,) declined to return him as one of their representatives *; and Mr. Lent-

get it adjourned for two or three days, because that the third of November was an ominous day; *the Parliament called on that day*, 20 H. VIII. beginning with the fall of Cardinal Wolsey, and ending in the dissolution of Abbeys; but the archbishop took little heed of any such things." But Laud does not allude to the caution in his diary, while he faithfully records other omens which alarmed him. On January 24th, 1640, his father appeared in a dream, and asked, What he did there? Laud, after some speech, inquired, how long he would stay. "He answered," (we give Laud's own words) "he would stay till he had me away with him. I am not moved with dreams; yet I thought fit to remember this." On October 27th, he found, on entering his study, that his picture, which was hung there, had fallen upon its face, on the floor. "I am almost every day threatened with my ruin in Parliament," says he, "God grant this be no omen."

* Clarendon's Hist. vol. i. p. 170. Of course, this writer attributes his non-election to the strength of the faction; yet himself joined the faction at the outset. No character has been more misconceived than Clarendon's. Burnet, who liked him for his bigoted attachment to episcopacy, says, that when, on the restoration, the tide of loyalty would have made the monarch independent of parliamentary supplies, Clarendon would not avail himself of it, and thus laid the foundation of his own ruin. But whatever apology Burnet might have for this

[redacted]ln's Inn, and a lawyer of [redacted] nominated by the commons [redacted]ne crown. It was not without [redacted]e accepted of the office.

[redacted]ons assembled in great numbers, and [redacted]party soon discovered that, as the na-[redacted]rievances had been aggravated by the dis-[redacted]on of the late parliament and the subsequent [redacted]oceedings, so the popular spirit assumed a far more decided tone. Committees for grievances were nominated, and the deplorable state of the kingdom was depicted by Pym, followed by many others, in a style as just as pathetic; and, since we have just adverted to Mr. Hume's statements, we may here remark, that it is inconceivable how, with these speeches before him, in which the various forms assumed by arbitrary power against all law and the rights of person and property, are detailed in language, which, while it does credit to the speakers, appals the reader, he should have ascribed the fervour which pervaded all classes against such multiform abuses, solely to disgust at a few trifling ceremonies. The court faction, who could not deny the extent of the evil, did not even attempt to oppose the general complaint; and Charles, after having dissolved the last parliament like the three preceding, because it preferred the consideration of grievances to his demand for im-

[redacted]

statement in the reports of the times, (and he candidly tells us that he had no other authority,) subsequent historians have done. For the publication of Clarendon's life, written by himself, completely discovers it.

mediate supply, discovered now the truth which had been predicted; that the next would take up the ground of its predecessor, and with a bolder spirit. Such, indeed, was the unanimity of the house, that as every abuse was proposed for censure, it was immediately voted to be a grievance, without a dissenting voice *.

An order of the commons for the appearance of Prynn, Bastwick, Burton, &c.

Amongst the first acts of the commons, was one of strict justice—that of issuing an order for the appearance of Prynn, Bastwick, and Burton, who after losing their ears, and suffering other detestable punishments, were sent to languish out their existence in solitary confinement, each transported to a separate island; while the access of friends and kindred was strictly interdicted, and themselves denied the use of books, pen, ink, and paper. Laud, with his coadjutors, had thence fondly flattered himself, that the voice of these wretched victims of oppression would never molest him more; and that, at all events, his own elevation was too strongly fenced with power ever to dread that retributive justice which ought to have alarmed his conscience. But he was miserably mistaken; Prynn survived to pursue him to the scaffold.—By thus sending for those individuals, the commons did not reverse their sentences. These did not warrant their being sent out of England; and therefore the lower house merely took under its protection men, whose inhuman

* Whitelocke, p. 38. Clar. p. 171. Cobbet's Parl. Hist. vol. ii. p. 630, *et seq.* Old Do. vol. ix. p. 17, *et seq.* Rush. vol. iii. p. 1364. See p. 1336, *et seq.* vol. iii. p. 4, *et seq.*

punishment there was not even the pretext of a judgment to authorize. It was so contrived that Prynn and Burton landed at one point at the same time; and they were conducted to the metropolis by an immense crowd in military triumph *.

A resolution against monopolists.

As monopolists so grossly infringed the law, they were, as unworthy of legislating for a people whose rights they had violated, banished the house, to which they had been elected by court-influence; and new writs were issued for fresh elections †.

Great occasions, as we have frequently remarked, call forth talent to meet them; and when the cause of liberty flourishes, it never wants advocates. Virtuous men may deplore the evil of the times; but they would cease to deserve the character of virtuous, did they encourage resistance to arbitrary power without a prospect of success. When a favourable juncture occurs, however, then they nobly exert themselves in the public cause: Then the wavering are confirmed, and even the former tools of injustice unblushingly pretend to patriotism. The present crisis was one which demanded the exertion of all the human powers; the house of commons afforded a field for the successful development of profound knowledge and solid judgment, conveyed in a stream of masculine eloquence; and the characters unfolded would not suffer by a comparison with the worthies of any

* Old Par. Hist. vol. ix. p. 34. Clar. vol. i. p. 199. Whitelocke, p. 39. Baillie, vol. i. p. 222. There were upwards of 100 coaches The prelates were exceedingly galled by this triumph, Ib. Mr. Hume does not do himself justice in his remarks upon this case.

† Cobbet's Parliament. History, vol. ii. p. 651. Whitelocke, p. 38.

age or nation. The individual to whom all men looked as the prime leader in the present perilous juncture was Hampden; and he did not belie the general opinion either of his understanding or integrity. Regarded as the statesman most qualified to recover, and vindicate, the violated and insulted rights of his country, he was yet sufficiently modest and self-possessed not to abuse his popularity by embracing every opportunity to attract the public notice. Though his judgment privately directed in every question, he reserved his powers as a speaker for the grand emergencies alone. The man who had braved authority might have been expected to be violent in his temper and morose in his manner; but it was his peculiar virtue to unite the mildest and most affable disposition to unshaken firmness, both as a statesman and a soldier. In early life, he had not been altogether free from that licence which commonly accompanies large fortune and eminent station; but no one ever insinuated against him behaviour that indicated a rotten or selfish heart, or even inveterate habits of licentiousness; and early sensible of his error, he corrected it without losing that cheerful affability which had partly seduced him into imprudent indulgence*. As it is great occasions only which afford

Character of Hampden.

* There is great ability, and, considering that the author was not only a keen partisan, but undertook his history for the king's vindication, even impartiality, in Clarendon's character of Hampden, vol. i. p. 185. vol. ii. p. 265. As might be expected, the author imputes bad motives, but he does full justice to his many great and estimable qualities; and it would have been well had Mr. Hume studied it.

room for the exertion of popular talents, so the men who figure then are generally such as have scarcely hitherto engaged in public affairs; and yet nothing is more common than the attempt to deny the genius which distinguishes itself in a tempestuous season by remarking its previous want of distinction. Ordinary heads are necessarily the best calculated for ordinary business, since nothing can be well accomplished, which is not zealously undertaken, and small matters, to which they are fully adequate, engross all their vigour; while on the other hand, a great mind, ever forming to itself a lofty standard, is at once conscious of being too far above the business, and yet is naturally diffident of its own powers: It cannot enter with alacrity into affairs which afford no room for the trial of its strength: It doubts its ability not in comparison of those around—it never measures itself with them, but compared with the model which imagination always presents. When, however, the great juncture occurs, then its vigour is roused, and while other minds sink under, it rises superior to, an inexperienced emergency. This seems to have been the case of Hampden: He was returned to the second and third parliaments of this prince; and yet, though he spoke both with fluency and remarkable precision, he does not appear ever then to have tried his powers: But all men of discernment, who had an opportunity of conversing with him, remarked his extraordinary talents; and as his affability charmed, while his integrity gained him profound respect, his reputation, heightened

by his refusal of ship-money, rose high before he distinguished himself in the senate. There, he was at once regarded by all as their sheet-anchor; and none was ever better calculated to improve the favourable impression. His assiduity was indefatigable; his manner bespoke only an anxiety to obtain information, and his adversaries could not withhold their esteem; but his modesty did not prevent him from leading those who were flattered by an appeal to their understanding.

The next great character was Pym, who, to a perfect knowledge of forms, which, from the long disuse of parliaments, was extremely valuable, united a clear, vigorous judgment, and profound information, together with the eloquence of a man of business, and a character of uniform uprightness. Such a speaker could not fail to be listened to. It has been said that his sagacity was more fitted for use than ornament; and a better compliment could not have been paid. Rhetorical flourishes are innocent enough in the absence of real business; but they are impertinent when men are assembled to discuss the deepest concerns of a great nation; and, however an artful speaker may inflame the passions, none will ever be heard with patience on momentous occasions, who have not at least the characters of capacity for affairs.—Sir Harry Vane, the younger, displayed uncommon intellectual powers, and a masculine eloquence; together with an ardent enthusiasm of temper, which fervently embraced alike state policy and religion. He was prepared for sharp remedies to

Pym.

Sir Harry Vane, the younger.

the alarming grievances of the commonwealth; yet he does not appear to have been at any time transported with the passion of vengeance, or to have acted under the influence of selfishness.

St. John. The temper of St. John was haughty and vehement; but his principles had been consistent, and his talents were universally respected. As a lawyer, his abilities and learning were everywhere admitted; and the old English lawyers, (witness Bacon, Coke, Selden, Whitelocke, Clarendon, Maynward, and others,) united to their professional attainments, general information and accomplishments, which do not appear to have descended to their successors *.

* "Some persons," says Mr. Hume, "partial to the patriots of this age, have ventured to put them in balance with the most illustrious characters of antiquity; and mentioned the names of Pym, Hampden, Vane, as a just parallel to those of Cato, Brutus, Cassius. Profound capacity, indeed, undaunted courage, extensive enterprise; in these particulars perhaps the Romans do not much surpass the English worthies; but what a difference when the discourse, conduct, conversation, and private as well as public behaviour of both are inspected! Compare only one circumstance, and consider its consequences: The leisure of those noble ancients was totally employed in the cultivation of polite letters, and civilized society: The whole discourse and language of the moderns were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy." It has ever appeared to me, that the works of this celebrated author, with all their genius, and no one is readier than I to allow their merits, betray the occasional rawness of a solitary student, who has not surveyed society with a practical eye, and that he was not devoid of a species of intolerant bigotry, though of a different kind from that he everywhere censures, as well as of an interested predilection for the aristocracy of letters. In this passage, I conceive that we have a proof of it. Polite letters, &c. are only so far worthy of admiration as they enlarge the capacity and improve the heart; and, therefore, in estimating a public character, we have no occasion to inquire into

A committee had been appointed for Irish affairs, and a remonstance from the Irish parliament was reported by it to the house. In this remonstrance, the Irish complained that indus- Remonstrance of the Irish parliament against Strafforde reported to the commons.

his private conduct unless in so far as it is spent in vice; for good private conduct is the best security for purity in public life. Of the private discourse and studies of the ancients, we know little; and the author has reviled the moderns without foundation. Was Hampden a hypocrite, and was his discourse full of cant, &c.? The account of Clarendon would lead us to infer the very reverse. Were the English worthies ignorant of Grecian philosophy and eloquence, or of polite letters? The great blemish of the public speaking, &c. of that age, is the pedantry which a familiar acquaintance with ancient literature produced; and, it ought to be remembered, that to Grecian philosophy they joined that of Bacon, &c.; to the polite literature of Greece, the works of Spenser and Shakespeare, not to mention others. That they were sincerely devoted to the Christian religion is unquestionable; but surely it will not thence be contended that they were incapable either of relishing polite literature and philosophy, or of themselves displaying the highest reach of genius. If it were, Shakespeare ought not to be admired, nor Milton read: Nay, the grand discoveries of Newton should be despised. With regard to the public conduct of the English worthies, it may well be put in competition with that of the ancients, for their patriotism, I will venture to affirm, was as unsullied, and more useful, directed; while their capacities, courage, and enterprise were not inferior. Even in the conduct of those ancients, Mr. Hume might have discovered a useful lesson for his direction in estimating the proceedings of this reign. Those noble ancients, though above the superstition of their age, had too much good sense to insult and provoke, far less persecute their countrymen, upon their religion.

Since I am upon this subject, I cannot refrain from noticing another attempt to lower the character of Hampden. "*Then*," says he, "*was displayed the mighty ambition of Hampden, taught disguise, not moderation, from former restraint;* supported by courage, conducted by prudence, embellished by modesty; *but whether founded in a love of power, or zeal for liberty, is still, from his untimely end, left doubtful and uncertain.*" Now, I really do think, that when the character of a statesmen cannot be assailed with the imputation of a single vice, it is a little hard to insinuate away his fame by alleging that he

try had been suspended, and trade extremely injured by new and illegal impositions and destructive monopolies, joined to other arbitrary proceedings: That all causes, real and personal, had been arbitrarily determined by the council, from which there was no appeal: That there was a monopoly of tobacco, which, under the pretext of increasing the revenue, was in reality a fund of private emolument to the lieutenant: That they were grievously oppressed by the court of high commission, a species of nuisance which cried aloud for redress in all the three kingdoms: That a proclamation had been issued by Strafforde, forbidding the departure of any individual for England without a licence, which was never allowed without exorbitant fees: And that while many subsidies had been granted, the king was [illegible] debt. They concluded with [illegible] of the public treasure, and [illegible]nt redress of grievances, or [illegible] The cause, as minister, of [illegible]nt-worth, Earl of Strafforde,

[illegible] swerving from virtue, have betrayed an [illegible] ordeal no character can pass unsullied; [illegible] considered that the same objection could [illegible]s, Brutus and Cassius. Might it not [illegible]ably would have been as great a usurper [illegible] been as successful? But this last member [illegible]s it is, was meant to meet objections to the [illegible]thout destroying their effect. By setting out [illegible] the mighty ambition and the disguise of Hampful really determined the question as to his motives, [illegible]ncludes with saying had been left doubtful.

[illegible] Par. Hist. vol. ii. p. 969. Old ditto, vol. ix. p. 40. [illegible]. p. 53. See also p. 230. vol. viii. p. 7. 11, *et seq.*

who had arrogated to himself all the judicial powers, which he had exercised with an iniquity worthy of such a usurpation, and yet had encouraged Laud to follow his example in England; who had himself obtained the patent for tobacco, by which he is said to have amassed a large sum; and who, in short, had, in every instance, substituted his own will for the law of the land, and even the natural obligations of justice. The manners of the man had, in all respects, corresponded with the arbitrariness of his actions. It might be alleged that the external deference which he even applied to the king for liberty to exact in Ireland, was an homage to his office, not to himself; but, as his treatment of parliament, which he threatened into the grant of large subsidies, was inconsistent with the duty of a public character, his conduct, in all respects, was so like that of a bashaw, that, as appears from his own letters, the title had been bestowed upon him by the general voice of that kingdom. In his correspondence, we find him ever lamenting to the king or Laud, that he was grossly maligned, and deprecating the consequences which the complaints of that people,—complaints which he ascribed to an aversion of authority,—might have upon his master; and declaring himself innocent of the crime imputed to him, of amassing a fortune at the public expence *. These letters were intended to meet the murmurs which he could not suppress; but, that the voice of com-

* See his Letters and Disp.

plaint should be as much stifled as possible, he prohibited the unfortunate victims of his tyranny from quitting the island, lest they should have an opportunity of uttering their grievances to the throne. The day of retribution, however, had at last arrived, when the united cry of three kingdoms, with all the personal wrongs of individuals, called for justice. It will, therefore, be necessary to give an account of his commitment.

Strafforde committed on a charge of high treason by the commons, 11th Nov. 1640.

On the 11th of November, a motion was made by Pym for his impeachment; and as it met with the universal approbation of the house, it is singular that Clarendon should, without at least taking his own portion of the blame, have afterwards condemned the measure as the height of injustice, and the commons as extravagantly tyrannical for adopting it; since he himself appears to have joined, instead of attempting to arrest the torrent. Lord Falkland, indeed, stated, that while he agreed with his brethren in the propriety of the measure, he conceived that it would be advisable to pause till they had digested the articles against the accused; but Pym, who had named Strafforde as the greatest enemy to the liberties of his country and promoter of tyranny, that any age had ever produced, answered, that such a delay might probably blast all their hopes, as such was Strafforde's influence with the king and queen, and so loudly did his own conscience admonish him of the fate he merited, that for his own safety he would likely advise a dissolution of the parliament, or fall upon some other desperate measure,

though it should be pregnant with the ruin of the kingdom. The motion was therefore put to the vote, and carried without a dissenting voice. Pym then, followed by the house, went to the bar of the lords, and, in the name of the commons, accused Thomas, Earl of Strafforde, of high treason. The accused, it is said, having obtained proof of the correspondence held between some of his prime adversaries in both houses and the Scots, had determined to anticipate the blow by impeaching them,—a circumstance which, it is alleged, and possibly with reason, quickened the motions of the popular party against him*; for though it is extremely improbable that, in the present posture of things, his charge against popular characters would have been seriously entertained, the event might have created leisure for the court to concert new measures. When the impeachment was announced to him, he came to the house with his usual proud, stern look; but, to his mortification, he was instantly ordered to withdraw, and then brought to the bar on his knees to hear the charge of the commons. He attempted to speak, but was refused an audience, and committed to the usher of the black rod. These proceedings against a man who had just been regarded with terror in all quarters, drew together a crowd to the door, who, as he passed, all gazed, "no one capping to him, before whom that morning the greatest in England would have

* Laud's Troubles, p. 86. Clar. vol. i. p. 175.

stood discovered, (uncovered,) all crying, what is the matter? A small matter, he said, I warrant you. Yes; replied they, high treason is a small matter*." When he had reached the place where he expected his coach, he was disappointed to learn that it had been taken to a different station, and that he must repass the crowd, which had enjoyed his humiliation: After he did gain his coach, the usher, whose faculties seem to have been overpowered by so unexpected an event, now recollected his duty, and informed the earl, that being his prisoner, his lordship must accompany him, not in his own, but the usher's coach; and he was forthwith conducted to the Tower. "Intolerable pride and oppression," observes Baillie justly, on this occurrence, "cry to Heaven for vengeance†."

Laud committed on a charge of high treason.

Laud, as the prime mover of the religious innovations in Scotland, had been charged by that people as one of the grand incendiaries, and he was impeached accordingly: But, in spite of his former power to do mischief, he soon became so contemptible that "all cast him out of their thoughts as a pendicle at the lieutenant's ear‡." Windebank, understanding that the Commons were prepared to charge him as an enemy to church and state, an open protector of seminary priests and Jesuits, and a promoter of their religion, absconded to the Con-

Windebank flies.

* Baillie, vol. i. p. 217.

† Whitelocke, p. 38. Clar. vol. i. p. 172, *et seq.* Cobbet's Parl. Hist. vol. ii. p. 732, *et seq.* Rush. vol. iv. p. 42. May, p. 85. Baillie's Let. vol. i. p. 217.

‡ Cobbet's Parl. Hist. vol. ii. p. 680. Whitelocke, p. 39. Clar. vol. i. p. 177. Baillie's Let. vol. i. p. 250.

tinent, and at Paris, where he fixed his residence, forgot his degradation, in merriment, telling all that he ever knew or did, and declaring that he had acted, in all cases, by the express injunctions of the king and queen, and that his majesty had assisted him in his escape. It is also said, that he died a professed papist *. The Lord Keeper Finch had betrayed his duty as speaker to the Parliament of 1628, and had subsequently been the most zealous in promoting every iniquitous measure: his knowledge of law, which indeed was limited, he had prostituted to the vilest of all purposes—that of unhinging the rights of property, and inventing pretexts for oppression, (he was the individual who had, by threats and promises, first extorted the extrajudicial opinion of the judges in favour of ship-money, and afterwards, in Hampden's case, again threatened them;) and he had even declared from the bench, that a resolution of the council-board should always be a sufficient ground for him to make a decree in chancery: Yet, when now impeached by the Commons, he, with an effrontery absolutely inconceivable, eloquently harangued them upon his innocence. The commencement of his speech was as mean as it was false. "I give you thanks," says he, "for granting me admittance to your presence: I come not to preserve myself and fortunes; but to preserve your good opinion of me; for, I profess, I had rather beg my bread, from door to door, with *dute*

Finch impeached: His flight.

* Clar. Papers, vol. ii. p. 134. Whitelocke, p. 39.

obolum Belisario, with your favour, than be ever so high with your displeasure." He concluded thus: "If I may not live to serve you, I desire I may die in your good opinion and favour *." This was the language of the man who had attempted to cut up Parliaments by the roots; and in all things substitute the will of the prince for law: Yet we are told by Whitelocke that "many were exceedingly taken by his eloquence and carriage, and that it was a sad sight to see a person of greatness, parts, and favour, appear in such a posture, before such an assembly, to plead for his life and fortunes." The articles against him were to this effect: That he had traitorously endeavoured to subvert the fundamental laws and the established constitution of England, and to introduce an arbitrary and tyrannical government: That, in the accomplishment of his traitorous purposes, he had, as speaker of the House of Commons, in the third and fourth of his Majesty's reign, prevented the reading of a remonstrance relative to the safety of the king and state, and the preservation of religion, declaring that, if any offered to speak, he would immediately leave the house, which he accordingly did, —a proceeding that tended to subvert the ancient and undoubted right of parliaments: That, as one of his Majesty's council, he had endeavoured to enlarge the forests, particularly in Essex, beyond due bounds: That, when Chief Justice in 1635, he drew the questions propounded to the judges,

* Cobbet's Parl. Hist. vol. ii. p. 685, *et seq.* Rush. vol. iv. p. 129, *et seq.* Whitelocke, p. 39.

regarding ship-money, and had, by undue means, obtained their signatures to an opinion previously prepared by him: That he had given his opinion against Mr. Hampden in the exchequer-chamber, and had threatened the other judges to prevail on them to concur with him: That he published, in his circuit, that the king's right to ship-money was so inherent in the Crown, that no act of the Legislature could take it away, and had threatened all who resisted the assessment: That, in his character of Chief-Justice of the common pleas, he had transacted the greater part of the business in his own chamber, and had, in his judicial capacity, committed various acts of gross corruption, of which a list was given; and that he had tried to incense the king against parliaments, and advised the declaration which was published after the dissolution of the last.—Well aware that every one of these articles could be distinctly proved against him, Finch prudently fled; and the Commons, who deemed one or two sacrifices to justice sufficient, and properly selected the most dangerous characters, as well as the most wicked, are, with the appearance of truth, accused of having connived at his escape *. The Commons still, however, gave in their charge to the Lords, and the duty of presenting it was devolved upon Lord Falkland, who is reputed by Clarendon to have

* * Clar. Vol. I. p. 177. This author admits, that if an attempt to undermine the established laws were treason, Finch was notoriously guilty.

been one of the brightest characters in history, and who died fighting under the royal banners. He observed that the charge required no assistance from the bringer, "leaving," says he, "not so much as a colour for any defence, and including all possible evidence and all possible aggravation, that addition alone excepted, which he alone could have made, and has made, I mean his confession included in his flight. There are many mighty crimes—crimes of supererogation, so that high treason is but a part of his charge, pursuing him fervently in every several condition; being a silent speaker, an unjust judge, and an unconscionable keeper. His life appears a perpetual warfare, by mines and batteries, against our fundamental laws, which, by his own confession, several conquests had left untouched,—*against the excellent constitution of this kingdom, which hath made it appear to strangers rather an idea than a real commonwealth, and produced the honour and happiness of this, as the wonder of every other nation.* He practised the annihilating of ancient and notorious perambulations of the whole kingdom—the meers and boundaries between the liberties of the subject and sovereign power. He endeavoured to have all tenures *durante bene placito*, to bring all law from his Majesty's courts into his Majesty's breast *." This extract is illustrative of the temper of the Commons, and throws light upon the character of Falkland, who died fighting for the

* Old Parl. Hist. vol. ix. p. 139. Cobbet's Ditto, vol. ii. p. 605.

king, while it completely disproves the notion that the English were not sensible of the superior nature of their government, and that they were now merely inflamed with bigotted rage against a few unmeaning ceremonies introduced into the public worship,—a notion altogether irreconcileable, not only with the temper of this assembly, but of every parliament which had been summoned during the dynasty of the Stuarts.

Sir George Ratcliffe committed.

Sir George Ratcliffe, the former fellow-sufferer with Strafforde for refusing the loan, but since his instrument and coadjutor in all arbitrary ways, was likewise charged with high treason *.

Proceedings against the judges, &c. for ship-money, &c.

As ship-money was voted to be illegal, so general resolutions were passed, that the judges who had acted in that business, together with the lieutenants, &c. of counties, should be prosecuted for their presumption, and be liable in damages to the parties injured. Against some of the judges regular impeachments were brought, both on this and other accounts; Berkley was charged with high treason and arrested on the bench: The lieutenants had only to complain that the threat of prosecution impended over them; and the proceeding has been unqualifiedly condemned—because the duty had been imposed upon them: But some of them were themselves privy counsellors, and consequently to a certain extent primarily accessory to the unlawful tax, while they ought to have resigned their places rather than comply with an

* Old Parl. Hist. vol. ix. p. 51, 153, *et seq.* Cobbet's do. vol. ii. p. 698, *et seq.*

unjust command against the community *. The king himself is protected by law as incapable of doing wrong, and unless the servant were responsible, there could be no check upon the executive, while it is evident that, without unjust ministers, the monarch's acts could scarcely be injurious. On the same principles, the farmers of the customs were ordered to be prosecuted; and they compounded for their extortions, by paying £150,000. The various tyrannical sentences of the Star-Chamber and High-Commission courts, were resolved by the commons to be illegal; and it having been farther resolved, that reparation should be made to the sufferers out of the delinquent's estates, the cases were transmitted to the Lords, by whom the sentences were reversed †. It was likewise resolved by both houses that, the convocation has no power to make canons, or impose taxes without the intervention of the legislature, that both on that account, and from their abstract tendency, the late proceedings were against the fundamental laws of the realm; and that the members of the convocation were liable to punishment. A bill to that effect was ordered, and immediately brought into the lower house ‡.

* Whitelocke, p. 40. Journ. 12th February, 1641.

† Clarendon, vol. i. p. 181. Journ. of 8th and 22d December, 1640. 20th April, 1641. 20th May. Clarendon, who does justice to Bastwick's Latin style, says, that he was unknown to either university or the college of physicians; but there is an express order of the commons, 11th June, to restore him to the college of physicians. Coh. Parl. Hist. vol. ii. p. 671—700. Rush. vol. ii. p. 460.

‡ Journ. 16th December.

Other ecclesiastics besides Laud fell under the animadversion of the commons, and were ordered to be impeached,—as Wren, bishop of Ely; Pierce, bishop of Bath and Wells; and Dr. Cozens. The two first were informed against for many high crimes and misdemeanours,—practising and enforcing superstition and idolatry, and persecuting all who did not join in their innovations. They were therefore ordered to give bail for L.10,000 to stand trial *. Cozens was charged with a variety of articles to the following effect: he removed the communion-table from its old situation in the body of the church, and placed it in the east end altar-wise,—an alteration on which he expended L.200 of the public money entrusted to him: He restored, and got gloriously painted, images which had been defaced by the commission under Elizabeth: He officiated at the sacrament with his back to the people, according to the popish practice; had boys with tapers, and all the bows of the Romish superstition, used in the sacrifice of the mass; had a consecrated knife, which he would not permit to be defiled to profane uses, for cutting the communion bread; had declared that the reformers, when they took away the mass, took away all good order, and instead of a reformed, made a deformed religion: He had so pertinaciously insisted upon the people bowing to the altar, &c. that when some ladies omitted the cere-

Impeachment of Wren, Pierce, and Cozens.

* Id. p. 191, 24th December. Cobbet's Parl. Hist. vol. ii. p. 682, 702.

mony, he called them whores, jades, and pagans, and quitting his place, laid violent hands on them, in the face of the congregation, and rent their clothes: He had converted several prayers in the liturgy into hymns, to be sung to the organ, and had neglected psalms: One Candlemas day, he had lighted up three hundred wax candles in honour of our lady, threescore of which he had placed on and about the altar: Before his marriage, he had worn a white satin cope, which he laid aside when he took a wife: He had denied the royal supremacy, having declared, that the king had no more power over the church than the boy who rubbed his horse's heels; and had aggravated all these superstitions, and the denial of the supremacy, by the most cruel persecution—particularly against Smart, a prebend, and likewise against one of the canons *.

* Old Parl. Hist. vol. ix. p. 193. Cobbet's Do. vol. ii. p. 725. Rush. vol. iv. p. 208. See his case in Howell's State Trials, vol. iv. As Cozens was appointed chaplain to the royal family abroad during the life of Charles, it is clear that he (Charles) meant to make no concession to the popular wish, though it appears by his Letters that he adhered to Episcopacy from political motives alone. Char. State Papers, vol. ii. A petition was presented against Dr. Layfield, and the facts are said by the report of the committee to be fully proved. It sets forth, that he had placed the communion-table altar-wise, and raised ten rails, with ten several images upon those rails, to be set at the altar; that he bowed three times, 1st, At his going to the rails; 2dly, Within the rails; 3dly, At the table; and so in the return. But that after the images were taken down, he bowed only twice,—at the rails and the table,—"which is an argument that he bowed before to the images." That he caused J. H. S. to be set in gold letters upon the table, and forty places besides: and said to the people, "Heretofore we saw Christ by faith; but now with our fleshly eyes we see him in

Episcopacy had, at the Reformation, been declared to be a human institution, under the appointment, as well as controul, of the throne; but the whole endeavour of the government lately, had been to make the hierarchy appear a divine institution, independent of civil authority; and this doctrine, as it inflamed a party on religious grounds, raised a powerful addition to it even from amongst those who neither were puritans nor inimical to the court. These, perceiving the principle on which the prelates and their supporters advanced the pretension, naturally opposed it, as destructive both of civil and religious liberty; and the cruel tyranny of the bishops, with the new ceremonies which they so intolerantly enforced, incalculably augmented the number of such as desired the abolition of episcopacy. Had it been the policy of government to make some concessions to the popular wish, or had it even abstained from innovation, the hierarchy would, in all probability, have run no hazard; but when men saw no security for their faith in the establishment, and found it necessary to make a vigorous opposition, they naturally became hostile to an institution which,

Petition against Episcopacy, &c.

the sacrament." That he charged the people with sacrilege for taking down the images: That he caused one Boulton to be excommunicated for not coming up to the rails, and refused to read his absolution," &c. "That he said they are black toads, spotted toads, and venomous toads, like Jack Straw and Watt Tyler, that speak against the ceremonies of the church; and that they were in the state of damnation." "He tells them, they must confess their sins, he is their parson, and they ought to do as he advises them; the sin is his, not theirs," &c. Journ. 25th November, 1640.

by wantonly attacking all the principles on which was supposed to be founded its right to exist, destroyed its own title to the general esteem. Not content with the degree of power enjoyed by their immediate predecessors, they would lead back the people to the old superstition, that with it they might enjoy all the consequence attached to it; forgetting that, by the very attempt, they, in the mean time, irrecoverably lost the authority over the public mind, which their spiritual function would otherwise have commanded. Hampden and his coadjutors were firmly attached to the Christian faith in its purity, and, therefore, on religious grounds, opposed these innovations; but, had they been really patriotic freethinkers, they could have followed no other course. They were bound to assert the rights of their fellow-subjects, whose consciences were illegally forced; as good citizens, they were called in duty to raise their voices against the attempt to make a religion of the imagination, and by such arts to enlist the external senses on the side of the priesthood and of arbitrary power. When, therefore, a petition from the city of London, signed by 15,000 citizens, was presented to the lower house by Alderman Pennington, it did not meet with an unfavourable reception, and was followed by others *. The commons themselves entered into resolutions against the temporal power of the bishops, and the clergy's

* Old Parl. Hist. vol. ix. p. 114. Cob. vol. ii. p. 673. Whitelocke, p. 39. Clar. vol. i. p. 203.

enjoying civil offices; but they as yet proceeded no farther; except that they appointed a committee to inquire into the lives of the clergy, who were grievously complained of. Petitions from parishes poured in against many of the cloth, and various scandalous vices were imputed to some of them: superstitious innovations were charged against very many. That they received hard justice is likely; but, on the other hand, it cannot be denied, that though there were amongst them many individuals of great learning and worth, yet, that the majority, in their zeal for the advancement of their order, in their cupidity for civil offices, their scrambling and mean truckling for place, as well as in their pitiful arrogance on unexpected power, had alike forgotten the duties and dispositions of Christian pastors and of good citizens. Indeed, it is alleged, that many men of loose lives were appointed to livings for the purpose of affronting the Puritans, and, considering how decent conduct was ridiculed and hated by the ruling party, it is not unlikely*. Whitelocke tells us, too, that "the House of Commons made an order (and Sir Robert Harlow, the executioner of it,) to take away all scandalous pictures, crosses, and figures, within churches and without; and the zealous knight took down the cross in

* May, p. 81. The manner in which Mr. Hume speaks on this subject is singular: He justifies the innovations, and particularly the reading of the king's orders for the Book of Sports, because "the established government both in church and state had strictly enjoined them;" but though the king ordered it, it was directly against law.

Cheapside, Charing-Cross, and other the like monuments impartially." In this passage the author certainly intends a slight ridicule of the over-zeal of the knight; but Mr. Hume, in order to throw odium on the age, so far improves his authority as to say, that Harlow's "abhorrence of that superstitious figure would not any where allow one piece of wood or stone to lie over another at right angles." In order to enter into the spirit of the proceeding, we must recollect the state of the times. The cross had originally been erected as an object of devotion, and the age of that superstition was too recent to let men regard such things with the indifference to which we, who never dream of reverencing them, are accustomed; but this feeling would have been faint, had it not been for the injudicious attempt to restore image-worship, and the adoration which really began to be paid to such monuments of idolatry. It is by not attending to these matters that a particular period may be misrepresented.

Scottish Army.

The Scottish army still continued in England, and the royal army was not disbanded. The first did not remain on the south of the Tweed without the approbation of the Parliament and people, who plainly foresaw, that should the king be relieved of his embarrassments before the legislature had devised a remedy for the public grievances, he would, according to his past conduct, immediately revert to that arbitrary rule which had brought the kingdom into so deplorable a condition. Parliament, therefore, voted limited supplies, from time

to time, allowing the Scots L.850 a-day, but leaving their claims unsettled; and, lest the money raised upon the subsidies voted, should be diverted from its legitimate object, appointed a committee of both houses, according to the ancient practice, to attend to the expenditure*.

Scottish clergy in London.

The celebrated Alexander Henderson, the leader of the Scottish clergy, the accomplished Baillie, the erudite Gillespie and Blair, were early sent for, from Scotland, by the Earl of Rothes and the other commissioners from the parliament of that kingdom, in order that they might attend to the interests of their church in the pending treaty. These famous divines preached as chaplains, by turns, in one of the lecture-rooms; and, as was to have been expected at such a juncture, from men of their reputation, capacity, and profound as well as varied erudition, they drew immense crowds: If we may form an estimate of their pulpit-oratory from their works, we may safely pronounce that the English did not discredit themselves by flocking to hear such preachers †.

* Old Parl. Hist. vol. ix. p. 43, 49, 179. Cobbet's, vol. ii. p. 671, 701, 707. Journ. 5th December, et postea. Whitelocke.

† Clarendon, vol. i. p. 189. See also Baillie's Letters, vol. i. p. 214, *et seq.* Clarendon says, that "to hear those sermons there was so great a conflux and resort, by the citizens, out of humour and faction; by others of all qualities out of curiosity; and by some, that they might the better justify the contempt they had of them; that from the first appearance of day on every Sunday, to the shutting in of the light, the church was never empty. They, (especially the women,) who had the happiness to get into the church in the morning, (they who could not, hung upon, or about the windows without, to be auditors or spectators,) keeping their places,

Triennal act, Feb. 16, 1641.

By statute, a parliament was appointed to be called every year; but, unfortunately, there was no provision in the act for the assembling of the legislature in the event of the sovereign's desiring to avoid it; and, from the late utter departure from the constitutional course, it became necessary to make a provision against the abuse. A bill, therefore, like that lately passed in Scotland, was introduced into the lower house, providing that a parliament, which should not be prorogued or dissolved within a certain time—should be held at

till the afternoon's exercise was finished; which, both morning and afternoon, except to palates ridiculously corrupted, was the most insipid and flat that could be delivered upon any deliberation," vol. i. p. 189—190. Such language was naturally to have been expected from this historian, whose task of vindicating the royal cause required something of the kind, and whose bigotted dislike to the presbyterian establishment, and antipathy to the Scots, particularly the clergy, and above all, to Henderson, blinded him to any merit in them: But one is amused with Mr. Hume's statement upon the above authority: "Those who were so happy as to find access early in the morning, kept their places the whole day; Those who were excluded, clung to the doors and windows, *in hopes of catching at least some distant murmur or broken phrases of the holy rhetoric.* All the eloquence of parliament, now well refined from pedantry, animated with the spirit of liberty, and employed in the most important interests, was not attended to with such insatiable avidity as were these lectures, *delivered with ridiculous cant,* and a provincial accent, full of barbarism and ignorance." As for their provincial accent, the author ought to have had some sympathy for it—and it shewed the good sense of the English to overlook it: As for their barbarism and ignorance, it is only necessary to say that, had he perused their works, he would most probably, in spite of all his prejudices, have deeply venerated their profound erudition. Yet the most illiterate field-preachers could not be more contemptuously spoken of; But, it may be observed, that, had the people not flocked zealously to hear such men at such a crisis, it would have been little short of a miracle in nature.

least once in three years; and that the sheriffs should themselves issue writs, provided the period elapsed without a parliament *. The passing of this bill by the king gave great satisfaction.

In one instance, the commons cannot be acquitted of intolerance, though they proceeded according to law. The statutes against Jesuits and seminary priests, who endeavoured to withdraw the people equally from their religion and allegiance, had never been executed capitally against any who had not likewise been engaged directly in a plot against the state; but parliament, having heard that one Goodman had been convicted, and dreading lest the suspension of the law in his case should pave the way for the pardon of Strafforde, insisted upon his execution: Charles at first endeavoured to save the accused, but the convict having himself petitioned for death, that his life might not be a ground of contention, he yielded him up a victim to the parliament, who, having gained their object, permitted the priest to live forgotten †. Case of Goodman the Jesuit.

The select and secret committee for drawing the charge against Strafforde, devoted themselves indefatigably to the business, and, at last brought it forward in twenty-eight different articles. It was presented to the Lords by Pym, and as it Strafforde.

* Cobett's Parl. Hist. vol. ii. p. 708—716. Journ.

† Old Parliament History, vol. ix. p. 168, 171, 174, 176. Cobbet, vol. ii. p. 710, 712, *et seq.* See Baillie's Let. vol. i. p. 237, 238, 240, 241. This Jesuit, whose manly offering himself a sacrifice for peace, is so creditable to him, had been condemned before and sent away with an assurance that he would be hanged if he returned, p. 237.

filled two hundred sheets of paper, and involved the conduct of the accused for fourteen years, he requested to be allowed three months to prepare his answer. This was deemed too long, but he was allowed from the 30th of January till the 24th of February. A question was agitated whether counsel should be assigned to him in a case of treason; and, after a debate, he was allowed to have counsel in points of law, but not of fact. He selected Sir Richard Lane, Gardiner, and others, who likewise drew his answers *.

In order to save the life of this devoted individual, Charles appointed Mr. St. John, solicitor-general; and meant to bestow the high offices on the Earl of Bedford, Lord Say, Messrs. Pym, Hollis, Hampden, and others; but though, with this view, Juxon resigned his treasurer's staff, and Cottington his office of master of the wards, the arrangement failed. Indeed, it could not possibly have succeeded according to the royal expectations; for it was intended to unite these men in administration with the very individual whom they were so hotly pursuing, from an idea that their popularity both with the English and Scots would enable them to accommodate all matters agreeably to the king. Policy, as well as duty to his people, ought to have dictated the choice of popular ministers; but no mistake is more fatal to a prince, whose misgovernment is so universally condemned,

* Clarendon is very disingenuous on this subject, vol. i. p. 224. *et seq.* See Whitelocke, p. 41. Old Parl. Hist. vol. ix. p. 186-7. Cobb. vol. ii. p. 740.

than the notion, that by changing his ministers he may yet gain the hearts of his people, and continue his misrule. The popularity of individuals arises from the confidence reposed in their principles, and the instant they turn apostates they lose their characters. The tergiversation of statesmen is no doubt useful to bad rulers, by sickening the general mind at all professions, and by the opportunity which it affords them of ridiculing every thing like public spirit: But, in the present temper of the kingdom, Charles, had he succeeded in seducing those individuals, would have soon discovered that he had only rendered them the greatest objects of public hate, and roused others to take their place, perhaps on higher ground *.

Trial of Strafforde begins 22d March, 1641.

The trial of Strafforde commenced on the 22d of March, and a more imposing spectacle never was exhibited. It was held in Westminster Hall; and the king and queen, with a vast concourse of ladies attended. The lords in their robes, and with the Earl of Arundel, as Lord High Stewart of England, at their head, sat in the middle of the hall, on forms covered with red cloth. The Earl of Lindsay, who was created High Constable of England for the occason, was director of the place. Scaffolds were erected on either side of the hall, and at the lower end of these were seated the mem-

* Clar. vol. i. p. p. 210. *et seq.* Whitelocke, p. 11. Sidney Papers, vol. ii. p. 664, and 666. It is curious that the Earl of Northumberland, on the 3d December, writes to the Earl of Leicester, that if Bedford got the Treasurer's place, it was not by the favour of the parliament, "who is unsatisfied with him, believing him to be gained by the king." Id. p. 664.

bers of the commons as a committee, with hundreds of gentlemen whom they accommodated with places. At the upper end there was a chair, with a cloth of state for the king, and a private gallery on each side for himself, his consort, and the prince. At the lower end, there was a place for ladies of quality, who, as we have said, resorted to the trial in vast numbers, and soon enlisted themselves on the side of the prisoner *. The prelates did not attend, as the canons of the church forbade their interfering in cases of blood or death †.

Strafforde had some advantages of person, and he knew the value of exterior on so momentous an occasion, when, as the subject of this grandly impressive scene, he was necessarily surveyed with the deepest interest and curiosity. His countenance was black and manly; his figure tall, and in some respects well formed. He naturally stooped much, which would, at another time, have detracted greatly from his appearance; but being now attributed to his late bodily infirmities, it excited sympathy. He appeared in blacks, the solemnity of which corresponded with his present fortune; and his carriage was at once modest and dignified. Nothing, indeed, could smooth the contraction of his brows; but as it no longer indicated the stern haughtiness which had raised against him so many personal enemies, it imposed something like a mys-

* Whitelocke, p. 46. Clarendon, vol. i. p. 217. Harl. MSS. British Museum, No. 1769. Scott's Somers' Tracts, vol. iv. p. 230. May, p. 91, 92. Introd. to the Trial, by Rush. vol. viii. Baillie's Letters, vol. i. p. 257.

† Clar. vol. i. p. 216. Whitelocke, p. 41. Sanderson, p. 376.

terious awe, by inspiring the idea of calm reflection and self collectedness, becoming in a man who had fallen from such a height of power, while his unwonted affability stole upon those who approached him *.

The substance of the twenty-eight articles of the impeachment was, that he had traitorously endeavoured to subvert the fundamental laws and constitution, both of England and Ireland, and to introduce an arbitrary government in their place; a project which he had developed by traitorous counsels and actions, having even advised his majesty to reduce the people to submission by military force: That he had traitorously assumed regal power over the lives and persons of the subjects in both kingdoms: That to enrich himself, and to enable him to carry through his traitorous designs, he had, in spite of the king's necessities, diverted the public money from the state to his own private emolument: That he had traitorously abused the power and authority of his office, by encouraging papists, that they might assist him in turn: That he had maliciously tried to stir up enmity betwixt the subjects of England and Scotland, and had thus caused the effusion of blood and the loss of Newcastle: And that, to

Substance of Strafforde's impeachment.

* Whitelocke, p. 42. Rush. vol. viii. p. 772. Clar. vol. i. p. 218. Baillie, vol. i. p. 259. War. Mem. p. 112. Scott's Somers' Tracts, vol. iv. p. 231. Harl. MSS. Brit. Mus. No. 1769. Mem. par Mottoville, tome i. p. 251. "Il étoit laid, mais assez agreable de sa personne, *et la Reine me contant toutes ces choses, s'arrêta pour me dire qu'il avoit les plus belles mains du monde.*"

preserve himself from being questioned, he had endeavoured to subvert the fundamental rights of parliament.

Such was the substance of the twenty-eight articles, in which were enumerated the various acts of tyranny on which each charge was founded: As that his commission for the council of York had been, contrary to form and precedents as well as law, altogether unlimited: That all prohibitions had been rejected by him, and that he had fined, disinherited, imprisoned, &c. at discretion; while he had even declared that "some were all for law, and nothing but law would please them; but that they should find the king's little finger of prerogative was heavier than the loins of the law:" That in Ireland he had declared the island to be a conquered country, and the charters of Dublin discretionary grants from the crown: That the Earl of Cork had sued out a process for the recovery of his lands, from which he had been ousted by the accused and the council-table, upon a paper petition, without any legal proceeding; and that Strafforde threatened to imprison him for adopting this legal course, declaring that he would neither have law nor lawyers to question his orders: That, on another occasion, he had likewise denied justice to this earl, and openly said, that he would have him and all Ireland know, that so long as he held the government there, any act of council already made, or which should be thereafter, should be no less obligatory than an act of parliament. He was likewise accused of having, on many other

occasions, arrogated power above the laws and the established government. The proceedings against Lord Mountnorris, formed other articles. This peer had been hurried before a court-martial without the slightest suspicion of such an event, on a charge of some words loosely spoken at the chancellor's table several months before—words which he denied having ever uttered; and was, by the unjust influence of Strafforde, capitally condemned. It was also charged against Strafforde that he had thrust this nobleman out of the manor of Timour, in the county of Armagh, which he had quietly possessed upon an undisputed title for eighteen years, by an order of the council-table merely, upon a paper petition of one Richard Ralston. It was charged that Lord Dillon had been thrust out of his possession in consequence of an extrajudicial opinion extorted from the judges: That the Earl of Kildare, for refusing to submit his title and lordship of Castleleigh, to the council-table, was imprisoned, and not even liberated when he had obtained his majesty's letters of enlargement: That a lady of the name of Hibbetts, had also been obliged to submit her rights to the council, and had been denied even the benefit of the regular proceedings of that tribunal; for that though the majority voted in her favour, Strafforde commanded an order to be entered against her, and threatened that if she refused to submit he would imprison her, and amerce her of L.500; and that, if she continued obstinate, he would double the fine every month. The lady, however, perceiv-

ed too well the folly of resistance to contend with him. There were many similar instances enumerated; but the most detestable, for it apparently sprang from the most odious motive, was the case of Chancellor Lord Loftus, who had held the seals of Ireland for twenty years with high reputation. The accused, it would appear, had formed an illicit attachment to this noble judge's daughter-in-law; and as she, though false to her husband's bed, was yet true enough to his pecuniary interest, or rather to her own, she prevailed with her paramour to force her father-in-law into concessions to the son; and because the chancellor refused obedience to an iniquitous award of the council-table, on a paper petition, he was by Strafforde not only deprived of the seals, but imprisoned *. He was accused of having delegated the arbitrary power which he had assumed, to the Bishop of Down and Couper, and his chancellor, with their several officers, empowering them to attach and imprison the poorer sort who refused obedience to their decrees; of having enhanced the rate of the customs † from a twentieth of the value of the article, to a fourth, and sometimes a third; of having restrained the

* Clar. vol. i. p. 222. Warwick's Mem. p. 116-7. Clarendon informs us, that Letters of great affection and familiarity, which were found in her cabinet at her death, were exposed to public view, and we cannot doubt their existence, considering the authority; but he is mistaken so far, for the commons did not insist on the charge regarding the chancellor—a clear proof that they did not search after scandal. See Rush. and Baillie.

† He farmed the customs himself.

exportation of staples, and then granted a licence for money; of having procured to himself a monopoly of tobacco, and then having prohibited the importation of the commodity without a licence, under the most terrible penalties. The goods of the contraveners were ordered to be seized, themselves subjected to a discretionary fine, imprisonment, and even to the pillory. In this way, he is alleged to have amassed the enormous sum of a hundred thousand pounds. Flax was a staple of Ireland, and it was charged against Strafforde, that, having raised a vast quantity on his own lands, and otherwise engrossed an immense stock, he had prohibited the manufacturing of wool, and then insisted upon the natives spinning the flax in a particular manner, whereby he, in a short time, got a monopoly in his own person, at an infinite expence to the inhabitants: That he had imposed illegal oaths upon shipmasters and others; had exacted taxes by troops of soldiers; and, wherever his orders were resisted, he had quartered a party of soldiers till his commands were fulfilled: That, in the same way, he had driven many families from their possessions: That he had obtained authority from the king to prevent the complaints of the injured from reaching the royal ear, by a proclamation that none should quit the limits of his government, without a licence from himself, and had fined and imprisoned all who had dared to disobey his proclamation: That he had said his majesty was so well pleased with the army in Ireland, that he meant to make it a pattern for England: That he had encouraged pa-

pists, and raised an army of 8000 from that body: That he had imposed an illegal oath upon the Scots in Ireland, and exacted enormous fines of those who refused to take it: That on his late departure from Ireland, he pronounced the Scots all traitors, and declared that, if he returned, he would drive them out root and branch: That he had stirred up war betwixt England and Scotland; and, though he had advised a parliament, he had assured his majesty at the same time, that he would assist him in extraordinary ways, if it proved refractory; and had for that purpose, confederated with Sir George Ratcliffe to bring over the Irish army: That he afterwards advised the king to dissolve the parliament, and declared to him, that he was now absolved from all rules of government: That he advised the king to go on vigorously with levying ship-money; and had recommended the prosecution of sheriffs in the star-chamber for not pursuing measures to raise that illegal tax: That a loan of L.100,000 having been demanded of the city of London, and the citizens having declined to advance the money, the names of the principal refusers were demanded; and when the mayor and alderman had resisted this iniquitous demand, he told them that no good could ever be expected till the mayor and some of the aldermen were hanged: That, by his advice, the bullion in the tower had been seized, and the measure to debase the coin projected; and when the officers of the mint *represented to him the consequences of a debasement of the coin*, he answered, that the French

king set commissaries of horse to search into men's estates, and to peruse accompts, that they might know what to levy, and that the money was raised by force; that having said this, he turned to the Lord Cottington, who was present, and remarked, that this was a point worthy of his consideration; farther, that he had imposed a tax in the county of York for the maintenance of the trained bands. The twenty-eighth article regarded his conduct in the late war *.

His answer to the charge, prepared by counsel, was specious, but scarcely bore examination †; and no sooner had the Irish parliament felt themselves freed from the terror of his government, than they had drawn up a remonstrance against him. This was read at the beginning of the trial, and so transported Strafforde with passion, that he declared there was a conspiracy to take away his life; but the commons having resented the speech, he made an apology: Maynard remarked that the remonstrance was not read as a charge, but merely as evidence to contradict what he had said in his preamble‡.

Very arbitrary acts during his presidentship of York were proved against him; but he denied that he had been instrumental in procuring the commission chiefly objected to, alleging that he had gone to Ireland about the time the commission was sent down, and that he had never sat as president

* See the Charge at length, in Rush. vol. viii. which is filled with this remarkable trial; and which, with Baillie's Journal, in vol. i. of the letters, forms the most complete report. † Ib.

‡ Rush. vol. viii. p. 127. Baillie, vol. i. p. 201.

after the new instructions were framed. That he had never presided in the council after the instructions were sent down is true; but then he had retained the office, and discharged the duty by means of a deputy, so that in effect the whole power was centered in himself; and he, in acting by deputy, necessarily incurred the responsibility. With regard, again, to his instrumentality in obtaining such instructions, it was not directly proved; but as it was distinctly established that he had, on one occasion, thrown himself upon his knees to the king, and prayed of his majesty that he might be permitted to retire from the office, if his authority were restrained by the legal course of a prohibition from Westminster-hall; and as the article against prohibitions, an article which disfranchized the whole northern counties of the privileges of English subjects, formed the grand exception to the instructions, it follows that he must be considered more than the adviser of them. In short, those instructions merely warranted, in the royal name, what he had arrogated and prayed for as a power to be considered inherent in his office, before they were issued. It was also proved that he had threatened to lay any by the heels who sued out a prohibition; and, had his dispatches been open to the inspection of the prosecutors, there would not have been left the colour of an excuse; for he had even used all his influence to accomplish the ruin of a judge, Vernon, for merely acting in the conscientious discharge of his duty against the other's usurped power. He also argued with

peculiar effrontery, that it was laudable to desire power, that a man might be in a sphere to do the more good*.

We have already given a particular account of the council of York, and we shall not farther resume the subject here, than to remark, that the first great invasion of liberty had occurred towards the close of the late reign; and that, by the last commission granted by the present king, the whole northern counties were completely disfranchised of their rights. The vindication of the late and present monarch, but particularly of Charles and his advisers, especially Strafforde, by Mr. Hume, is perhaps the most singular ever used. "The court being at first instituted," says he, "by a stretch of royal prerogative, it had been usual for the princes to vary the instructions; and the largest authority committed, was altogether as legal as the most moderate and most limited." According to this logic, should a prince erect a court illegally, for the trial of causes below twenty shillings, it could not be any breach of duty in a public minister to advise, and obtain, powers for engrossing every species of cause whatever, involving the persons and lives as well as real and personal property of the people, and dispensing with the whole established laws. Besides, it ought to be remembered, that an abuse is not sanctioned by its antiquity; and that small matters are frequently overlooked, because no one

* Charge I. see also vol. ii. of Rush. already referred to, and Baillie, Straf. Let. and Disp. vol. i. p. 129, 130.

thinks them worth his interference: But, if the inveteracy of a trifling abuse, which has only been submitted to because it was deemed unworthy of notice, were to form a justification for at once overturning the whole established laws, it would be preposterous to talk of any thing like law or a constitution in a state. The origin of that court, which Mr. Hume appears to have little studied, has been explained; and the reader need not be reminded, that the judicial powers attempted to be assumed under the Tudors, had been restrained: That the courts of Westminster were open to that part of the kingdom against any abuse of power or undue arrogation of authority by that tribunal.

The second article charged, that he had said "some were all for law, and nothing but law would please them; but that they should find that the king's little finger of prerogative should be heavier than the loins of the law"—was proved by no less than five witnesses. Strafforde alleged, that he merely said, that they would find the little finger of the law heavier than the loins of the prerogative; and that he had used the expression relative to knight-money, conceiving that the composition was lower than the legal rate. To prove this, he brought forward two witnesses: The first, a Dr. Duncombe, deposed, that he heard a report of the speech afterwards, at a dinner, from one who called himself Sir Edward Stanhope, and that it agreed with Strafforde's own edition: The other was Sir R. Pennyman, who was not sworn, but declared that he was present, and that the account by the

accused was correct. With regard to Duncombe, his deposition was not even in the shape of evidence; and as to Pennyman, of whom Baillie informs us that "both here, and many times else, he deponed point blank all Strafforde required,"—there were circumstances attending his statement which satisfied all present that he did not speak truth. Maynard, as manager, desired that it might be asked of him when the words first came to his remembrance, (no question was put to a witness directly, except by the Lord High Steward,) and he answered, that he had always remembered them, but that they had been particularly brought to his recollection since they were charged against Strafforde. Maynard presently catches him; that he must be responsible to the house, for not only not having made this statement to the commons when the charge was voted, but for himself having voted to an article which he knew to be unfounded. Upon this there was a general hiss, and Pennyman fell a-weeping; while the prisoner declared, that he would rather commit himself entirely to the mercy of God, than that any witness for him should incur danger or disgrace. It is needless to observe that the proof was sufficient in law, and that the testimony of these five witnesses finds corroboration in the language used by him in his dispatches, as well as in the very powers usurped by him over the northern counties *.

* Rush. vol. viii. The five witnesses were, William Long, Sir Thomas Layton, Mar. Pottus, Sir David Fowlis, and Sir William Ingram. See Baillie's Journal of the Trial, p. 264.

His answer to that part of the charge which related to Ireland was flaming in the extreme: That he had promoted the cause of religion; increased the revenue of the church; built churches; and preferred learned and orthodox preachers; had advanced the king's power; and had so augmented the revenue, as to have paid off large debts, and left a considerable sum in the exchequer: That he had increased the army, and governed it by the strictest discipline: That he had been the means of calling parliaments, and putting an end to projects and monopolies as burdensome and grievous to the people: That, under his government, the shipping had increased a hundred fold; trade had prospered, and justice had been administered without partiality or corruption: That the laws of Ireland were quite different from those of England; and that consequently he could not be judged of by the law of the latter: That the council had always exercised an extensive jurisdiction; and that martial law was justified by the practice of his predecessors, who had used it with the same moderation as himself*. To this defence, Pym replied thus: "For religion we say, and shall prove, that he has been diligent indeed to favour innovations—to favour superstition—to favour the encroachments of the clergy; but, for religion, it never received any advantage from him; nay, a great deal of hurt."

* See his Answer in Rush. vol. viii.

" He saith he hath been a great husband for the church, and truly hath brought in many lands to the church; but he hath brought them in by ways without law, without rules of justice: He hath taken away men's inheritances. And here, my Lords, is an offering of rapine; an offering of injustice and violence: and will God accept such an offering? must the revenues of the church be raised that way? It is true it was the more in the way of preferment. He knew who sat at the helm here, the archbishop of Canterbury; and such services might win more credit with him. It was not an eye to God and religion; but an eye to his own preferment.

Mr. Pym then proceeds to consider his statement about building of churches, and says: " Many churches have been built since his government. Truly, my lords, why he should have any credit or honour if other men built churches I know not: I am sure we hear of no churches he hath built himself: If he would have been careful to have set up good preachers, that would have stirred up devotion in men, and made them desirous of the knowledge of God, and by that means made more churches, it had been something: But I hear nothing of spiritual edification,—nothing of the knowledge of God that hath, by his means, been dispersed in that kingdom. And certainly they that strive not to build up men's souls in a spiritual way of edification, let them build all the material churches that can be, they will do no good; God is not worshipped with walls, but with hearts."

"He saith, that many orthodox and learned preachers have been advanced by his means, and the doctrine and discipline of the church of England, by his means protected and defended. My Lords, I shall give but two or three patterns of the clergy that he hath preferred: If you will take Dr. Atherton, he is not to be found above ground, for he was hanged for many foul and unspeakable offences: Dr. Bramhall hath been preferred to a great bishopric; but he is a man that now stands charged with high treason: He hath been but two years in Ireland, and yet he hath laid out at least £30,000 in purchases. I shall name but one chaplain more, and that is one Arthur Gwyn, who, about 1634, was an under-groom to the Earl of Cork, in his stable: In the year after, Dr. Bramhall preferred him to be a clergyman; and a parsonage and two vicarages were taken from my Lord of Cork, and given to this Arthur Gwyn. I shall add no more patterns of his clergy."

"As for the honour of the king, my Lords, we say it is the honour of the king that he is the father of his people,—that he is the fountain of justice; and it cannot stand with his honour and justice to have his government stained and polluted with tyranny and oppression."

"For the increase of the revenue: It is true there may be some addition of sums; but we say there is no addition of strength nor wealth, because in those parts where it hath been increased this Earl hath taken the greatest share himself: And when he hath spoiled and ravined on the people, he hath been content to yield up some part to the

king, that he might with more security enjoy the rest." Pym then enters into a particular examination of the revenue, and refutes Strafforde's statement, shewing by the records, that since the year 1622, (nine years before his appointment,) Ireland had supported itself: That he got the most extraordinary subsidies from the parliament, (by what means we have seen, and shall immediately see more;) that he had been guilty of rapine and injustice, forcing men even to resign their estates; and that his expenditure had been excessive, while he had himself, by a deceitful bargain to farm the customs, made from eighteen to twenty thousand a-year; nay, that he had even taken £24,000 from the exchequer, about two years since, and though the royal army was in want, had only paid the money in lately: That, as to his pretence of having put down monopolies, he best proved the cause of his dislike to them, by taking the most profitable to himself, as well as by his farming of the customs, with which certain monopolies put down by him interfered. That, as to the great increase of shipping and of trade—that arose out of the particular situation of that kingdom, which had been for the first time settled in peace a little before his appointment, and consequently was in a condition to make a most rapid advance, not from the nature of his government, which had, by the number of monopolies, &c. exercised in his own person, been destructive to trade.

"He says," (remarks Pym,) "he was a means of calling a parliament not long after he came to

his government. My Lords, parliaments without parliamentary liberties, are but a fair and plausible way into bondage. That parliament had not the liberties of a parliament: Sir Pierce Crosby, for speaking against a bill in the Commons's house, was sequestered from the council-table, and committed to prison. Sir John Clotworthy, for the same cause, was threatened that he should lose a lease he had. Mr. Barnwell, and two other gentlemen, were threatened they should have troops of horse put upon them for speaking in the house. Proxies by dozens were given by some of his favourites. Parliaments coming in by these ways are grievances, mischiefs, and miseries; no works of thanks or honour."—His desperate dispatch to Laud, as Prynn calls it, relative to his mode of balancing the parties of protestants and papists in parliament, and governing the whole assembly, had, unfortunately, not yet been obtained by the commons.

"He saith he had no commission but what his predecessors had; and that he hath executed that commission with all moderation. For the commission, it was no virtue of his if it were a good commission: I shall say nothing of that." "But, for the second part, his moderation; when you find so many imprisoned of the nobility; so many men, some adjudged to death, some executed without law; when you find so many public rapines on the state, soldiers sent to make good his decrees; so many whippings in defence of monopolies; so many gentlemen that were jurors, because they would

not apply themselves to give verdicts on his side, to be fined in the star-chamber; men of quality to be disgraced, set on the pillory, and wearing papers and such things as will appear through our evidence, can you think there was any moderation? And yet truly, my lords, I can believe that if you compare his courses with other parts of the world ungoverned, he will be found beyond all in tyranny and harshness; but, if you compare them with his mind and disposition, perhaps there was moderation: Habits, they say, are more perfect than acts, because they are nearest the principles of action. The habit of cruelty in himself, no doubt, is more perfect than any act of cruelty he hath committed; but, if this be moderation, I think all men will pray to be delivered from it; and I may truly say that is verified in him, *the mercies of the wicked are cruel**".

The greatest atrocities charged againts thim during his government of Ireland were distinctly proved, and though he did adduce evidence to shew that arbitrary acts had likewise been committed by his predecessors, (how far that ought to have been deemed an apology, we shall not stop to inquire,) it was fully established that he had far exceeded them all. Take the case of martial law; it was distinctly proved that it had never been resorted to except on manifest rebels, the kerns chiefly, and that Lord Falkland's instructions allowed it only in the cases of war and rebellion: Now, the case of Lord

* Rush. vol. viii. p. 104 *et seq.*

Mountnorris affords the most complete evidence, to use the words of Clarendon, of a temper excessively imperious. Mountnorris alleges, and his allegation derives great support from Strafforde's letters, that the prisoner first took offence at a supposed want of respect to his brother, Sir George Wentworth, and then insisted upon Mountnorris making a dishonourable sale of his offices: That he refused to sell at the deputy's command; and that the latter thence lay on the watch for his destruction. However this may be, the pretext for a sentence of death against Mountnorris by a court-martial was perhaps the most extraordinary that ever occurred in any country where such a thing as law was known. A Mr. Ainslie, a distant relation of Mountnorris, was in the service of the deputy, and had accidentally dropt a stool upon his gouty toes: Wentworth, enraged with pain, instantly struck him violently with his cane, and the incident happened to be a topic of discourse at the Chancellor's table in the presence of Mountnorris, who, his pride being naturally wounded at such treatment of a kinsman, remarked that the gentleman had a brother who would not have borne such an insult *. This having been reported to the deputy by eaves-droppers, who aimed equally

* Nothing of this kind appears in Rush. and probably it was not brought out. It was enough for Mountnorris to depose that the words charged were never spoken by him; but in this I have followed the account of Clarendon, who, though very incorrect in regard to the trial, seems to have told the fact here, for his account is corroborated by Baillie. Clar. vol. i. p. 220. Baillie, vol. i. p. 269.

at gratifying him and obtaining the other's offices, (Sir A. Loftus, the brother of the principal witness, and husband of Strafforde's fair friend, had been promised the chief of them,) Wentworth, who began to dread that in Mountnorris he might find an enemy fit to ruin him afterwards, eagerly embraced the opportunity which seemed to present itself for that lord's destruction. The remark was made in April, and Mountnorris never heard, or thought more of it till December following, when he received a message to attend at a council of war next morning. Thither he went, perfectly unsuspicious of the cause, and inquired at his brother-councillors the meaning of this sudden summons to them all; but they pretended equal ignorance with himself. The deputy entered, and told the council that he had so unexpectedly summoned them for the trial of Mountnorris, who, though one of the council of the army, had spoken mutinously against him as the general; and he then produced a letter from the king commanding them to give reparation for the dangerous injury done to his deputy. The charge, which was materially different from what had really passed, was then read to this effect: That it having been mentioned at the Chancellor's table, that Ainslie had let a stool drop on the deputy's toes, Mountnorris remarked, in a scornful and contemptuous manner, "perhaps it was done in revenge of that public affront that my Lord Deputy did me formerly; but I have a brother who would not have taken such a revenge." The accused having heard the charge, and the king's letter read, fell upon his knees, and requested time for consul-

tation, with a copy of his charge, and to be allowed to retain counsel; but all was denied, and he was commanded instantly to confess or deny the words, for that they should be proved if he denied them. Mountnorris, as might be expected, was confounded, yet he pleaded for his right as a subject and a peer; offered to take his oath that he had never spoken the words charged, and proposed to call the Lord Chancellor, and even his son, Sir A. Loftus, who obtained his place, and about twenty others who were present, to testify his innocence; but these requests, however reasonable, were all insolently rejected; while Lord Moore, who sat as one of the judges, and Sir Robert Loftus were desired to swear to the contents of a paper produced by the deputy, which appears to have been written out with his own hand, but which they had subscribed. Upon this testimony, the obsequious council found the accused guilty upon two articles of discipline, one importing banishment from the army, the other death. They long endeavoured to satisfy Wentworth with a verdict on the first; but he vehemently urged both or neither; and they, *having previously stipulated for Mountnorris's life*, gratified his revengeful enemy. The accused then received sentence of death, when the deputy told him that he should intercede with his Majesty for his life, and that himself would rather lose his arm than Mountnorris a hair of his head or drop of his blood, a speech, which, instead of soothing the convict, appeared to add fresh insult to injury, by putting the deputy's arm in comparison with his head. Mountnorris

was instantly deprived of his offices, (which were bestowed upon this Loftus as a return for his wife's affection for Wentworth,) and committed to prison. Nor did the deputy intend that his sufferings should terminate even here. To soften his oppressor, Lady Mountnorris, who was a kinswoman of the deputy's by his second wife, Lady Arabella Hollis, addressed him in a most pathetical letter; but she did it in vain *. Wentworth was inexorable, because his guilty conscience whispered to him that at no distant time the victim of his oppression might have it in his power to call for justice, and he eagerly grasped at the present opportunity of crushing him beneath the power of proving dangerous. Foiled in her interposition here, the lady escaped with difficulty to England to lay her complaint at the foot of the throne; and she was so far successful as to obtain a letter from the king for her husband's liberty, upon condition of his submitting to the deputy. A step so spirited, as it evinced a disposition not tamely to brook oppression, inflamed Wentworth with additional rage by inspiring him with new fear, and he resolved so to avail himself of the terms expressed in the royal letter, as to exact an acknowledgment of the justice of the sentence, which he foolishly imagined would, in a great measure at least, secure him from the probability of after question, by bereaving his victim of his ground of complaint. On terms so humiliating, Mountnorris long refused to purchase his liberty; but, wearied at last with op-

* Scott's Somers' State Tracts, vol. iv. p. 292.

pression, he submitted. Wentworth was, however, still unsatisfied, and therefore not only harassed him with fresh prosecutions in the star-chamber, but, by iniquitous decrees of the council-board, deprived him of his property, reducing him, his wife, and seven children, to beggary.

Well might such proceedings procure for Wentworth, as we learn from his letters they did, a comparison with a bashaw of Buda; and his defence did not extenuate his guilt. He argued, that in the case of Mountnorris before the council of war, he merely discharged the duty of his place in preferring a complaint; that he did not vote against the accused; that even after sentence was passed, he assured him that he was no way exposed to the hazard of his life, forgetting however, to state that it had been stipulated for by the council, as the condition on which they pronounced him guilty; and that he had interceded with his majesty for his pardon; in doing which, however, he forgot to say, that he merely joined the council, and acted up to the condition stipulated for *.

* Rush. vol. viii. Arts. v. and vi. Clarendon tells us that "the standers-by made an excuse for Strafforde; that Mountnorris was a man of great industry, activity, and experience in the affairs of Ireland, having raised himself from a very private, mean condition, (having been an inferior servant to Lord Chichester,) to the degree of a viscount and a privy counsellor, and to a very ample revenue in lands and offices; that "he had always, by servile flattery, and sordid application, wrought himself into trust and nearness with all deputies at their first entrance upon their charge, informing them of the defects and oversights of their predecessors; and after the determination of their commands, and return into England, informing the state here, and those enemies they usually contracted in that time, *of whatsoever they had done or*

Former deputies appear to have arrogated powers inconsistent with law, but Strafforde far exceeded them all; nor does the matter rest merely on the evidence of witnesses, which yet is complete, since

suffered to be done amiss; whereby they either suffered disgrace or damage, as soon as they were recalled from their honours: So that this dilemma seemed unquestionable, that either the deputy of Ireland must destroy my Lord Mountnorris, or my Lord Mountnorris must destroy the deputy as soon as his commission was determined." This character imputed to Mountnorris, is certainly not an amiable one; but it ought to be remembered, how readily every grand witness against Strafforde was calumniated: taking it, however, as true, it merely amounts to this, that though, for his own interest, he overlooked criminality in the successive deputies during their administration, he afterwards turned informer. It is not alleged that he accused any of them unjustly; and though the part he is alleged to have acted might fairly have induced Wentworth not to place confidence in him, or shew him marks of respect, it could not on any just principle operate farther; while it must be evident that, unless he had known that he could not justify his government, he could not have had a motive for destroying Mountnorris in self preservation. Clar. vol. i. p. 221-2. Just before this, the noble historian says, "the injustice whereof" (the proceedings against Mountnorris,) "seemed the more formidable, for that the Lord Mountnorris was known for sometime before, to stand in great jealousy and disfavour with the earl, which made it be looked on as a pure act of revenge; and gave all men warning how they trusted themselves in the territories where he commanded." p. 221. "In vain," says Mr. Hume, without quoting any authority whatever, "did Strafforde's friends add as a further apology, that Mountnorris was a man of an *infamous character*, who paid court by the lowest adulation to all deputies while present, and blackened their character *by the vilest calumnies* when recalled; and that Strafforde, expecting like treatment, *had used this expedient for no other purpose than to subdue the petulant spirit of the man.*" Though this elegant historian does not quote an authority, it is perfectly clear to me that he had no other than the above from Clarendon; and the reader will be able to judge how far he has kept to it. Indeed, one would almost imagine from his language, that Strafforde's friends had spoken to this effect at the trial. Clarendon does not say that Mountnorris was charged with inventing calumnies, but with giving information

his own dispatches fully establish it. Scarcely was he warm in his place, when he applied, in the following terms, for illegal, unlimited, powers: "I find that my Lord Falkland was restrained by proclama-

of the truth. He does not pretend that the sentence was passed to subdue the petulant spirit of the man, but builds the apology upon the necessary ruin of that individual to Strafforde's own safety. No public transgression could be proved against Mountnorris; and that nothing short of his absolute ruin could pacify his enemy, the whole proceedings shew. See Straf. Let. and Disp. vol. i. p. 497. *et seq.* 508, 9, 10, 11, 14, 19. vol. ii. p. 5, 15, 21, 27. Wentworth, who was allied to Lady Mountnorris through his second wife, seems at one time to have courted Mountnorris. See a very confidential letter by him to that lord, in Aug. 1632, vol. i. p. 73. which is the best answer to Mr. Hume's statement. See also p. 76, 8, 99. 115. The correspondence of Strafforde's, with Mountnorris's account, makes the matter quite clear. Mountnorris, who held the office of vice-treasurer, which in effect was that of treasurer in Ireland, (Warwicke, p. 116.) had not shewn himself quite so pliant as the Deputy had anticipated. (See Let. and Disp. vol. i. p. 119.) And after his quarrel with Sir George Wentworth, the deputy wished his removal from his offices, particularly that of vice-treasurer. He proposed, therefore, that Mountnorris should make a dishonourable sale of his office, and the proposal had been attended with altercation. But Mountnorris, not content with refusing to comply with the demand, wrote out an account of what had occurred on the occasion, (it appears by a letter afterwards referred to, that he wrote admirably,) and transmitted it to his attorney in England, who had handed it about. It fell into the hands of the Reverend Mr. Garrard, the deputy's great correspondent, who not only shewed it to Lord Cottington, but instantly announced the circumstance to his patron. Id. p. 388. Garrard's Letter is dated the 12th of March, 1634-5; and it is singular, that on the 7th of next month, the deputy has a violent attack upon Mountnorris, in a letter to Secretary Coke, as a person "held by us all [illegible]hn, to be most impertinent and troublesome in the debate of all business." "And," says he, "indeed so weary are we of him, that I dare say, there is not one of us willing to join with him in any private counsel. Sure I am, my Lord Chief Baron complains of him extremely in the *Exchequer*, that he disorders the proceedings of the whole court through his wilfulness and ignorance, so as he were a

tion, not to meddle in any cause betwixt party and party, which certainly did lessen his power extremely. I know very well the common lawyers will be passionately against it, who are wont to put such a prejudice upon all other professions, as if none

happy man if he were delivered of his vexation there:" This certainly disproves the idea of his sycophancy. He then censures his scandalous way of life, as a dishonour to the place—for that he was "extremely given to good fellowship, and was full of talk in that humour,"—a statement which does not accord with Clarendon's character of him; and that "he sat up by night to pay for large sums, very meanly pursuing his advantage upon young noblemen and gentlemen, not so good gamesters as himself," &c. He also makes a charge against him for not paying £200 upon a warrant, and alleges that he had agreed to resign his place in October preceding, &c. He then recommends Loftus, and desires power to inquire into some of Mountnorris's actions. Id. p. 403-4. The proceeding in the Council of War occurred in December following. P. 498. *et seq.*

In each of the letters referred to above, that were written by Strafforde, he vindicates the justice of the sentence, which, however, appears by the letters to have been universally execrated; and meanly pleads that he did not vote at the council, therefore, that the sentence was not his. It appears also, from these and other letters, that Wentworth was perfectly sensible of the general hatred, as resembling a bashaw of Búda; but he consoles himself with the idea that it had been his fortune all his life to have proud, revengeful qualities, &c. falsely ascribed to him. Wandesforde writes to him, Dec. 29, 1628, thus, "the breath of envy hath always blown strong against you, and like the bees over the cradle of Plato, hung over your actions ever since I was acquainted with them." vol. i. p. 50. See a very pathetic letter from Mountnorris to Strafforde, just before his execution, which throws great light upon this subject, and of itself goes far to disprove the account given of the former by Clarendon. Clar. State Papers, vol. ii. p. 135. Wentworth himself writes to Lord Conway, that he told Mountnorris, "he never wished ill to his estate nor person, further than to remove him thence, where," says he, "he was a trouble and will as an offence unto me; that being done, (howbeit through his own fault with more prejudice than I intended,) I could wish there was no more debate betwixt us, &c." Straf. Let. and Disp. vol. ii. p. 145.

were to be trusted as capable of administering justice but themselves; yet how well this suits with monarchy when they monopolize all to be governed by their year books, you in England have a costly experience; and I am sure his majesty's power is not weaker in this kingdom, wherever hitherto the deputy and council-board have had a stroke with them.*" It was not thought fit to recal the proclamation on this subject by a new one, conferring the powers requested; but a special dispensation was granted to Wentworth, with the single exception of cases already depending before courts of law; and how he abused his power, is established no less by his letters than by the evidence adduced against him; for he encourages Laud "to rule the *common* lawyers in England, as he, poor beagle, did in Ireland, declaring that he would continue to do so, at the peril of his head." In his defence he, of course, attempts to justify his illegal decrees on the principle of abstract justice, and pleads that, as he was no professional lawyer, his ignorance ought to form his excuse. The last plea proceeded with a peculiarly bad grace from the individual who had boasted of ruling the common lawyers in all things, and proclaimed it as a merit that he was resolved to persist in such a course at the peril of his head. The first was no less unfounded, for, as was justly observed by Pym, the commons charged him with nothing "but what the

* This has been quoted from his letters and dispatches in the preceding volume.

law in every man's breast condemns, the light of nature, the light of common reason, the rules of common society." Nor were the instances of injustice and illegality confined to those charged. Sergeant Glyn remarked that, were the matter yet to frame, they would give as many new cases as those of which he was accused. Stafforde stormed at this, and dared him to the proof. But when the other, having accepted the challange, enumerated twenty fresh cases, in the issue of which he had largely participated, the prisoner stopt him by a complaint against travelling out of the charge.

The legislative powers assumed by him in Ireland, together with his grossly tyrannical and selfish abuse of them, were strikingly displayed in his measures relative to wool and flax. Having a monopoly of the customs, he imposed new duties upon the exportation of the first, and prohibited the manufacture of it in the island: though the last was the chief production of that kingdom, and linen-yarn for exportation the staple, he interdicted the sale of it unless it were reeled in a certain mode, with which the poor people were unacquainted, and ordered a general seizure, to effect which power was given to break into houses, of all not prepared for the market according to his directions. What aggravated this policy was, that the yarn seized, instead of being, as forfeited to the public, brought into the exchequer, went to his own loom's; while he had a direct interest in excluding a competition with his own flax, which he raised in great quantities on his own newly-pur-

chased lands. In the execution of his orders on this subject great enormities were committed; and thousands, debarred the only means of livelihood, for the May rents were paid by the price of the flax and yarn, were absolutely famished. His defence was, that he prohibited the manufacturing of wool lest it should interfere with that of England: that the motive in regard to the orders about yarn was to break the people of their barbarous mode of preparing it—a measure which might be legally adopted, in the same manner as yoking oxen by the tail, and burning the straw to separate the corn from it, had been interdicted: that the council concurred in the proclamations, and therfore the blame should not be imputed to him; and that, at all events, this was not treason. With regard to the council, it was completely under his controul, while, at all events, as the prime leader, he must be responsible for unconstitutional measures, and it appears by his own letters that he had earnestly pressed his Majesty for liberty to pursue that system *. As for his defence that this was not treason, it was well urged by Maynard, that, if to overturn all the fundamental principles of the constitution be traitorous, this unquestionably was so, as it included not only the suspension of the public rights, but a power to issue what new orders he pleased in the place of law. It is singular, that in his letters to the king on this very subject, he advised his Majesty to make a monopoly of salt in his

* See his Let. and Disp. vol. i. p. 93.

own person; for that, as it was a commodity altogether indispensable, he might, in imitation of the *gabelles* of France, raise the price at pleasure *.

It was distinctly proved that he had been in the practice of quartering soldiers upon all who refused to comply with any order of the council for the payment of money, however unlawful the demand. One instance shall suffice. One Barns was charged on a paper petition to appear before the deputy about a debt which, though nominally rated at £100, he might have compounded for five, but which, as altogether unjust, he refused to settle even on such terms, and Stafforde, under the colour of a contempt, quartered a party of troopers upon him who consumed property to the value of £500, burned the very partitions of his house, nay the door, for fuel, and "sold his trunk, his bed-steads, his dining-table, and all they could light on in his house," so that, being reduced to utter beggary, he was obliged to flee the country, leaving his wife and children, and serve as a soldier in Flanders †.

These particulars, however, though highly important, have perhaps been pursued too far, and therefore we shall proceed to the grand point about telling the king that he was absolved from all rules of government, and had an army in Ireland; by which he might reduce the kingdom: But, in passing, we may remark that the articles about prohibiting people of family, &c. from going to England,

* Trial in Rush. and Baillie's Journal. Straf. Let. and Disp. vol. i. p. 93, 106, 103.

† Trial in Rush. and Baillie.

and imposing an arbitrary oath on the Scots, were fully proved.

To ascertain the point with regard to his illegal advice, it was necessary to examine the councillors, and Charles was reluctantly obliged to yield to a demand of the commons, to relieve the council from their oath of secrecy—a measure bitterly inveighed against by the noble apologist of the king, and what is more extraordinary, by Mr. Hume, as restraining the freedom of the board, and rendering ministers liable for every rash, or inconsiderate, expression. But surely if, and there can be no doubt of it, every councillor is bound by his oath to give constitutional advice, and that only, to the king, the oath of secrecy never can, or ought, to extend to counsel, which has for its object the overthrow of all the fundamental laws; and it is an inquisition, which no good man need fear, for none will ever attempt to persuade the sovereign to absolve himself from all those rules upon which he is entitled to govern; while, if such a measure could not be adopted, it is perfectly evident that the greatest of all wickedness would be safe even from question. The grand point to be determined here was, whether Stafforde had not advised his Majesty to act as if absolved from all rules of government; and had such a point not been open to investigation, there would have been at once an end of all legitimate government.

Nothing could be more distinct than the charges against Strafforde; each particular was stated with a precision which could not have been ex-

pected any more than it is practised in indictments in general; but some of the different articles naturally cohered, or reflected light upon each other; and, in regard to the advice about the king's acting as absolved from all rules of government, there were five articles taken together—the twentieth, twenty-first, second, third, and fourth: That he had advised an offensive war with Scotland, alleging that the demands of the Scottish parliament justified it, before the commissioners of that parliament had been heard in vindication of their proceedings: That he had declared his readiness to supply his majesty by extraordinary ways, unless the English parliament should grant twelve subsidies; and had, for wicked ends, in confederacy with Sir George Ratcliffe, raised an army of 1000 horse, and 8000 foot, in Ireland: That he had declared openly to several people, that the king ought first to try the affections of his people in parliament; but, if that failed, then he might use his prerogative in levying what he required: and that, when parliament disappointed his hope of twelve subsidies, he advised the dissolution, declaring that his majesty was free from all rules of government; adding, that he had an army in Ireland with which he might reduce the kingdom to obedience. The first point in regard to Scotland, was proved by the Earls of Traquair and Morton, and even by Juxon, bishop of London, and Lord Treasurer, as well as by Sir Henry Vane. Traquair particularly swore too, that afterwards, at the council of peers, at York, the prisoner, in regard to Scottish affairs,

declared, that *the unreasonable demands of subjects in a parliament were a ground for the king's putting himself in a posture of war.* The archbishop of Armagh, (the celebrated Dr. Usher) deposed, that about April last, he had a conversation with Strafforde, at Dublin, relative to levies of money, when the other declared that he agreed with those in England who conceived that, in case of imminent necessity, the king might levy what he needed, though, in his opinion, his majesty should first try a parliament; but, if that supplied him not, "then he might make use of his prerogative as he pleased himself, or words to that effect." Lord Conway deposed that, having previous to the meeting of the short parliament, asked the prisoner how the troops were to be paid, he answered, that he confidently expected twelve subsidies from the parliament; but, upon Conway's saying, "what if the parliament would not give that assistance, my Lord of Strafforde said, the cause was very just and lawful, and if the parliament would not supply the king, then he was justified before God and man if he sought means to help himself, though it were against their wills." Sir Henry Vane deposed, that at the council, on the 5th of December 1639, Strafforde said, that if the parliament should not grant supplies, he would be ready to assist his majesty any other way. The Earl of Bristol deposed, that in a casual conversation with the prisoner, after the dissolution of the short parliament, he himself stated, that he attributed the great distractions of the times, particularly the riot at Lam-

beth and mutiny of some soldiers against their officers, to the breach with that assembly, and expressed it as his conviction that the safe plan in such distresses was to summon another parliament directly, alleging, that he feared the issue of hostilities with Scotland, unless the king were assisted both with the purse and the affections of his people; for that he conceived it very unlikely that the nation, labouring under such grievances, would willingly and cheerfully enter into a war against the sister kingdom, which laboured "under the same grievances with themselves:" That in answer to this, Strafforde observed, that the times did not admit of so slow and uncertain a remedy as a parliament: That he had already been denied from that quarter; and, using the maxim, *salus reipublicæ suprema lex*, said "the king must provide for the safety of the kingdom by such ways as he should think fit in his wisdom:" "That he must not suffer himself to be mastered by the frowardness and undutifulness of his people, or rather, as he conceived, by the dissaffection and stubborness of particular men." Lord Newburgh swore, that to the best of his belief, he heard the prisoner say, 'that seeing the parliament had not supplied the king, his majesty might take other courses, or something to that purpose: The Earl of Holland swore, that he heard him tell the king, after the dissolution, that the parliament, in denying a supply, had given him an advantage to supply himself by other ways. The Earl of Northumberland deposed, that he heard Strafforde tell his majesty, before the meeting

of the short parliament, that if the people refused to supply him, he was absolved from rules of government, and acquitted before God and man. Sir Henry Vane deposed, that he heard the prisoner say this to the king after the dissolution, "Your majesty having tried all ways, and been refused, in this case of extreme necessity and for the safety of your kingdom and people, you are loose and absolved from all rules of government; you are aquitted before God and man; you have an army in Ireland; you may employ it to reduce this kingdom." The commons also adduced several witnesses, as, Lord Ranelagh, Sir Robert King, Sir Thomas Barrington, to prove that his creatures, Sir George Ratcliffe and Sir George Wentworth, had used strong expressions relative to the Irish army being used to second his majesty's illegal courses, in the event of resistance. On the other hand, Strafforde alleged that the speeches of Ratcliffe, or of his brother, were nothing to him, and that he knew his duty too well as a privy-counsellor to divulge to them his master's secrets: That it was strange that no one heard the words relative to the Irish army but Sir Henry Vane: That he might easily mistake *this* for *that* country; and that, as the army had been raised to reduce Scotland, and the Scottish business was then agitated, the remark had necessarily reference to it: That, accordingly, the Earl of Northumberland, and others, deposed, that they understood the army was intended for Scotland; and that, as there was no war in England which called for it there, it ne-

cessarily followed that it never could be meant to introduce it into this kingdom: That he had perhaps said, that his majesty might use his prerogative in raising money, but he always spoke in reference to legal ways—never supposing it possible for his master to resort to any other: He then adduced the Bishop of London, Lord Treasurer, who swore positively that he never heard any thing about an intention to bring the Irish army into England; but being interrogated whether he ever heard Lord Strafforde say that the king was loose and absolved from all rules of government, "He answered, that he desired time to consider of that; he remembers not any such thing, *but he reserves himself for that.*" He also deposed, that he did not remember of having heard the prisoner tell the king that the parliament had deserted him. Cottington swore that he never heard Strafforde talk of extraordinary ways, but that he had heard him say, the king ought to seek out all due and legal ways, and to employ his power *audidé et casté*; observing, that after the present necessity was past, and the work done, the king ought to repair it, and not leave any precedent to the prejudice of his people, for that "his majesty never could be happy till there were a union betwixt himself and the parliament, and the prerogative and liberty of the subjects were determined." The Marquis of Hamilton swore much to the same purpose: Lord Goring, and Mr. German, merely deposed to the use of the words *audidé et casté*: but, what is most extraordinary of all, Northumberland himself, who swore

that he heard the prisoner say, before the meeting of the short parliament, "if the people do refuse to supply the king, the king is absolved from rules of government"—deposed to other interrogatories, that though he said that his majesty might use his power when the kingdom was in danger or unavoidable necessity, he did after say that that power was to be used *candidè et castè*, and an account thereof should be given to the next parliament, that they might see it was only employed to that use." If such words were used by Strafforde, and this deposition is to be admitted as a whole, the conclusion is, that he had merely employed them to guard against any after impeachment, which, as appears by his letters, he always conceived a possible case; for what is the meaning of parliamentary power, if it may be dispensed with at the will of the prince upon his conception of necessity; or why talk of submitting what had been done in defiance of one parliament, to the cognizance of another? If the king may levy money at pleasure, upon any plea of necessity which the grand council has, in the first place denied—a necessity of which he is sole judge, in defiance of the legislature—it is an extravagance to talk of parliamentary power. The evidence of Cottington, in the first place, proved too much, as Straffordo had admitted that he had spoken of extraordinary ways, which yet the other could not remember. In the second place, it was contradictory, for unless he had been adverting to extraordinary or unconstitutional ways, how could he talk of repairing,

after the work was accomplished, what had been done through necessity? A breach must be made before it can be repaired.

In considering a case of this nature, we are, in judging of the propriety of the verdict, always bound to take the evidence as it stands, without regard to those facts which may be disclosed to the historian by time: But authors have endeavoured to the utmost to vilify, not only this grand assembly for its judgment, but the characters of Sir Henry Vane, sen. and of his son, and Mr. Pym, (the reason of the last will afterwards appear,) as if the first had perjured himself, and the two latter had assisted him in swearing away the life of that great individual: It will, therefore, not be improper to disclose some facts which, though they could not be discovered then, are established upon the most indisputable evidence now. On the 10th of December, 1640, Northumberland writes, *in cypher*, to the Earl of Leicester, that "he doubts the king is not very well satisfied with him—*because he will not perjure himself for Lord Lieutenant Strafforde**." Laud has an entry in his diary, of the 5th December, 1639, that, when a parliament had been determined on, of which the first movers were Strafforde, Marquis Hamilton, and himself, "a resolution was voted at the board to assist the king in extraordinary ways, if the parliament should prove peevish and refuse." Secretary Windebanke writes to Sir Arthur Hopeton, who was at that time at Madrid, that it having been concluded by

* Sidney Papers, vol. ii. p. 662.

the select committee for Scottish affairs, that nothing could quench the fire in Scotland, which threatened not only the monarchial government of that kingdom, but even that of England, except force of arms, the question then was how money could be raised: That a parliament was thought at first impracticable, as it was unlikely that it would be inclined to supply his majesty's wants in time, or in proportion to the exigency; and that many extraordinary ways were debated, but that at last "the lords being desirious that the king and his people should meet, if it were possible, in the ancient and ordinary way of parliament, rather than any other, were of opinion his majesty should make trial of that once more, that so he might leave his people without excuse, and have wherewithal to justify himself to God and the world, that in his own inclination he desired the old way; but that if his people should not cheerfully, according to their duties, meet him in that, especially in this exigent, when his kingdoms and person are in apparent danger, the world might see he is forced, contrary to his own inclination, to use extraordinary means, rather than by the peevishness of *some factious spirits* to suffer his state and government to be lost. These considerations, ripening this great business for a resolution, it was thought fit to bring it to the general council, and to give the board account of what had passed in the committee. Which being done, and the Earl of Traquair, his majesty's commissioner in Scotland, newly come from thence, hav-

ing likewise, by his majesty's commandment, made particular and exact relation to the lords, of the late assembly and parliament in Scotland, and of their high and insolent demands, together with his opinion of their purpose to persist in them, and that there was no probability of reducing them but by force, his majesty demanded the opinion of the lords by vote what was to be done; whereupon the lords unanimously voted, that rather than his majesty should yield to such demands, and suffer this high rebellion to continue, he must of necessity vindicate himself and his honour, and secure his crown by force of arms; and that to maintain this force, the best way was the ordinary by parliament, which they doubted not would be sensible of the honour of his majesty and the nation, and of their own safeties, and enable him to settle his affairs. But before his majesty would declare his resolution for this way, he was pleased to put another question to the board, whether, if the parliament should prove as untoward as some have lately been, the lords would not then assist him in such extraordinary ways in this extremity as should be thought fit. Which being put to votes, the lords did all unanimously and cheerfully promise, that in such case they would assist him with their lives and fortunes, in such extraordinary ways as should be advised and found best for the preservation of this state and government. Whereupon his majesty declared his resolution for a parliament *." Now it is remarkable that

* Clar. State Papers, vol. ii. p. 81, 82.

Northumberland writes to the same purpose to his friend Leicester, saying, that two ways only of raising money were thought of "by the ordinarie way of parlament, or by extraordinarie wayes of *power;*" that "laying excises, enioineing each countie to mentaine a certaine number of men, whilst the warre lasted, and such like wayes were by some farre pressed; but mett with so many weightie obiections, that those lords that were all this while most auerse to parlaments, did now begin to advise the king's makeing triall of his people before he used any way of power. This being advised by their Lordships, (who, to say truth, found themselues so pusseld that they knew not where to begin,) the king was soon gained, and resolued the next councell day to propose it to the rest of the lords *." Windebanke, immediately after the dissolution, wrote to Sir A. Hopeton, that "it was a very great disaster, but there was no other way, and his majesty had wherewithal to justify himself to God and the world †," &c. When, along with this, it is considered that Strafforde's Letters all breathe a spirit of uncontrolled power; that, in considerations drawn out by him expressly for the king himself, while he so rejoiced at the extra-judicial opinion of the judges in the case of ship-money, he declares that though "it was the greatest service the legal profession had done the crown in his time, yet unless his majesty had the like power declared to raise a land army upon the

* Sidney Papers, vol. ii. p. 623.
† Clar. Papers, vol. ii. p. 84.

same exigent of state," (a necessity of which the king was sole judge, and therefore was not bound to render any account,) "the crown seemed to him to stand but upon one leg at home, to be considerable, but by halves, to foreign princes abroad;" but if that point were gained, which the opinion regarding ship-money evinced to belong to the king, then the royalty was for ever vindicated from under the conditions and restraints of subjects: That in a letter to Mr. Justice Hutton, after that judge had voted in the minority in Hampden's case, he says that "the power of levies of forces by sea and land, is such a property of sovereignty, as, were the crown willing, yet it could not divest itself thereof*:" That Strafforde's own govern-

* We have already given many extracts from Strafforde's Letters and Dispatches, but his language to Mr. Justice Hutton will be found to throw such light upon the evidence at the trial, that we cannot refrain from quoting it. "I must confess," says he, "in a business of so mighty importance, I shall the less regard the forms of pleading, and to conceive (as it seems my Lord Finch pressed,) that the power of levies of forces at sea and land for the *very*, not *feigned*, relief of the public, is such a property of sovereignty, as, were the crown willing, yet can it not divest itself thereof: *salus populi suprema lex*; nay, in cases of extremity, even above acts of parliament." (Now there is something feasible in this: a *real*, not *feigned* necessity is certainly paramount to all law; but the succeeding sentences shew his ideas of necessity.) "And I am satisfied that monies raised for setting forth a fleet was chastely bestowed that way, not at all vitiated by any application otherwise; nay, satisfied that it was necessary that it should be so, and that our fleet at sea were in these times of mighty honour to the king, most fit to preserve the rights of private subjects, the peace and safety of the commonwealth. And considering it is agreed by common consent, that in time of public danger and necessity such a levy may be made, and that the king is therein sole judge, how or in what manner or proportion it is to be gathered, I conceive it was

ment of Ireland, which he held out to Laud as a model for England, was contrary to all constitutional principles, and supported by absolute force: That he had become the arch-adviser of his mas-

out of humour opposed by Hampden beyond the duty of a subject, and that reverence wherein we ought to have so gracious a sovereign, it being ever understood the prospects of kings into mysteries of state are so far exceeding those of ordinary common persons, as they be able to discern and prevent dangers to the public afar off, which others shall not so much as dream of till they feel the unavoidable stripes and smarts of them upon their naked shoulders; besides the mischief which threatens states and people are not always those which becomes the object of every vulgar eye, but those commonly of most danger, when least discovered; nay, very often, if unseasonably, over early published, albeit privately known to the king before, might rather enflame than remedy the evil; therefore it is a safe rule for us all in the fear of God to remit these supreme watches to that regal power, whose peculiar indeed it is; submit ourselves in these high considerations to his ordinance, as being no other than the ordinance of God itself, and rather attend upon his will, with confidence in his justice, belief in his wisdom, assurance in his parental affections to his subjects and kingdoms, than fret ourselves with the curious questions, with the vain flatteries of imaginary liberty, which, had we even our silly wishes and conceits, were we to frame a new commonwealth even to our own fancy, might yet in conclusion leave ourselves less free, less happy than now, thanks be to God and his majesty, we are; nay justly, ought to be reputed by every moderate minded Christian.' Straf. Let. and Disp. vol. ii. p. 388, 389. These sentiments require no comment; being such as could only fit such a region as Morocco. They would not have been received in France by that portion of the community that might be said to enjoy privileges—the nobility. Yet if this had been spoken, and deposed to, and the first part brought out by cross questions, how might it have been dwelt upon by historians? Assuredly Mr. Hume must not have perused these letters, otherwise he never could have made the remarks upon Strafforde's character which he has indulged in. He mistakes, too, the time of Strafforde's admission to office, making it after the dissolution of the third parliament,—*when the necessities of state had begun*, instead of during the prorogation. Had he attended to dates, he would have found that the individual whom he eulogizes went over at once to the Court, and

ter; and that the war which he advised with Scotland had its foundation merely in that people's resistance of arbitrary power; we shall not be disposed to view the evidence of Vane in a suspicious light. Money was, after the dissolution, to be raised by power; and if, after such indications of disaffection, the king and his ministers did not contemplate such a spirit of resistance as, if not put down by military force, would blast all their hopes, they must have been blind to all consequences. Whoever advises arbitrary proceedings, must be presumed to include the means of effecting them; for, after their adoption, there seems to be no retreat compatible either with the safety of the minister, or the false honour of the prince. The way of power, or of force, is recommended, and it can only be so because the minister conceives that the monarch has the requisite strength. The guilt of Strafforde, therefore, is not augmented by that part of his alleged advice which regarded the Irish army.

That the Irish army was primarily raised for the subjugation of Scotland is unquestionable, but it did not thence follow that, upon a similar exigency, it might not be conceived ready for a similar ser-

without the colour of an apology, espoused instantly the principles which he had just before so vehemently opposed. In regard to his letters, they are the more entitled to regard, that he never wrote one unadvisedly, nor dispatched it, without shewing it to his friends Sir George Radcliffe, and Wandesford, Master of the Rolls in Ireland, whom he likewise consulted on every thing of any moment concerning either political or domestic business. See Radcliffe's Essay.' This makes the remarks of Radcliffe relative to the army, of infinitely greater importance.

vice in England; and as for the probability of any mistake, by Vane, of this for that country, it seems to be unfounded, especially when we view his testimony in connection with a document which was afterwards brought to corroborate it. The minutes of council had all been destroyed by the command of the king, lest they should be produced against his servants; but Sir Harry Vane having, during his absence in the north, sent the key of his study to his son, Sir Harry Vane the younger, that he might transmit some private documents, the latter found notes of a council, after the dissolution of the late parliament, which, as they developed designs most pernicious to the state, he shewed to Pym, when that gentleman visited him during a severe indisposition, and Pym having insisted upon being allowed to take a copy of them for the public good, young Vane reluctantly consented. The cabinet was then locked, and the matter concealed from the father. When, however, Vane's testimony on the trial was thought incomplete, Pym produced the alleged copy of this important document, which had now become valuable after the destruction of the original. Old Vane, who either was, or affected to be, extremely offended at his son's conduct, said, upon his examination, that he had nothing to add to his former evidence, except that he had taken such notes, and that the document was like them. Of course it was supported by the testimony of his son and of Pym. The title of the notes was "No danger of a war with Scotland; if offensive, not defensive;" and they were as follow.

K. C. "How can we undertake offensive war, if we have no money?

L. L. Tr. (Strafforde) "Borrow of the city L.100,000; go on vigorously to levy ship-money; your majesty having tried the affection of your people, you are absolved, and loose from all rule of government, and to do what power will admit. Your majesty having tried all ways, and being refused, you shall be acquitted before God and man. And you have an army in Ireland, that you may employ to reduce this kingdom to obedience; for I am confident the Scots cannot hold out five months.

L. Arch. (Laud) "You have tried all ways, and have always been denied, it is now lawful to take it *by force.*

L. Cot. (Cottington) "Leagues abroad there may be made for the defence of the kingdom; the Lower House are weary of the king and the church. All ways shall be just to raise money, in this inevitable necessity, and are to be used, being lawful.

L. Arch. "For an offensive, not any defensive war.

L. L. Tr. "The town is full of lords, put the commission of array on foot, and if any of them stir, we will make them smart."

Either this was the grossest conspiracy between the two Vanes and Pym, or there can be no question about the import of Strafforde's advice. The Irish army had been raised for Scotland, and there could be no occasion for reminding his majesty of its existence in regard to the commotions there;

but when raising money by force in England, in such an hour of disaffection, was contemplated, it seemed necessary to consider of the means to second the present power. The words were spoken in relation to raising money, and seem incapable of another construction. Charles had himself early thought of introducing foreign troops to carry through his arbitrary designs; and it was distinctly proved that the language of Sir George Radcliffe and Sir George Wentworth corresponded with the design imputed to Strafforde *, while the facts proved in the subsequent charges establish on what principles he was disposed to conduct the administration of England. The grand objection to Vane's testimony was brought by Lord Digby at passing the bill of attainder: he had been one of the small secret committee for preparing the impeachment of Strafforde, and he told the Lower House that, being now absolved from his oath of secresy, he would state the grounds upon which he could not

* It was proved by the evidence of Sir Robert King and Lord Ranelaugh that Sir George Ratcliffe had said in answer to their queries about raising money, that his majesty had an army, and if he wanted money, who would pity him; that his majesty was ready to supply himself; and that he could make peace with the Scots when he liked. Sir Thomas Barring, too, swore that Sir George Wentworth had, on a conversation about the late parliament, said that this commonwealth is sick of peace, and will not be well till it be conquered again. The evidence on this point also established that the general apprehension even of official men in Ireland, was of a design against England. Cottington appears, by the notes of council, to have been himself one of the most criminal; and we learn from the correspondence of the Earl of Northumberland, that, during the preceding summer, he had become the entire confidant of Strafforde—when the latter and Laud had disagreed. Sidney Papers, vol. ii. p. 657. Cottington's evidence, too, is strangely cautious. See Rush. vol. viii. p. 564.

agree to the bill:—"that Vane had been examined thrice upon oath before the secret committee; that, in the first examination, he positively said, in answer to interrogatories regarding the Irish army, "I cannot charge him with that;" but for the rest desires time to recollect himself, which was granted him. Some days after he was examined a second time, and then deposes these words concerning the king's being absolved from rules of government and so forth very clearly. But being pressed to that part concerning the Irish army, he said he could say nothing to that." He then states that it was some weeks afterwards when Vane recollected the words about the Irish army. Digby argued, in regard to the notes, that they were not evidence; as there was no conclusion of counsels, which ought to be the only cause of taking notes, but merely the venomous parts of discourses, calculated to bring men into danger. In this objection, however, there appears to be no weight whatever. The title imported the conclusion, and that could be disputed by none: the cause of taking notes on such an occasion, is not merely to register the conclusion which the minutes must ever put beyond the possibility of question, but to preserve an exact account of the opinions of individual counsellors for one's own regulation. The previous want of recollection in Vane may be deemed a matter of more serious import. But, in the first place, this at least proves that he had no understanding with the prosecutors; and it is not wonderful that, considering what had passed in the interim, he should not all at once remember the

speeches of the councillors, though they might be recollected afterwards *. In the second place, it is proper to mention that the Commons questioned Digby next day for his speech, and after its publication, voted it to be scandalous, and false to the witnesses, and that it would not be enough to shew that he had some foundation for his statement, since all depends upon the way in which a thing is done: —In the third place, that this individual, though sworn to secresy as one of the preparatory committee, was believed to have conveyed intelligence of all the evidence to Strafforde, in order to prepare him for it †—a circumstance which exceedingly lessens our idea of the prisoner's ability in defence: And lastly, that Digby stole the copy of the notes of council, which, as one of the secret committee, he had an opportunity of doing, and that, when an oath was administered to all the members of the committee relative to the document, he was the readiest to swear solemnly that it had not been purloined by him; though he had already gained the royal favour by delivering it to Strafforde, as appeared by a copy under his own hand, which was found in the royal cabinet when it was taken after the battle of Naseby ‡. The matter, too, did not

* The objection to Vane's first alleged want of recollection applies with tenfold force to most of the other witnesses, whose memories confessedly continued incurable to the last.

† Baillie's Let. vol. i. p. 283. "Digby, as it is thought," says Baillie, "had given particular information to Strafforde of all their depositions."

‡ Whitelocke, p. 43. Royal cabinet opened, &c. By the way, I am satisfied that there has been no little alteration upon Whitelocke's text by the editor in regard to Strafforde. The general accuracy of Whitelocke every one must admit, yet in a case where he acted as chairman

rest upon the testimony of Vane: if he perjured himself, both Pym and Vane the younger were in the same predicament, and must be charged with conspiring with him to take away Strafforde's life. The notes are supported by other evidence in all points excepting that of the army: The remaining part of the charge, which reflects so much light upon this, was almost entirely established by the best evidence.

The conclusion of Strafforde's defence, after the additional proof was led, has been admired, (though his previous summing up was thought tedious,) and we should be doing injustice to our readers by withholding it. "It is hard to be questioned upon a law which cannot be shewn. Where hath this fire lain hid so many hundreds of years, without any smoke to discover it, till it thus burst forth to consume me and my children? That punishment should precede promulgation of a law,—to be punished by a law subsequent to the fact, is extreme hard: What man can be safe if this be admitted? My Lords, it is hard in another respect, that there should be no token set, by which we should know

of the secret committee, and managed great part of the evidence as counsel for the commons, there occurs one absurd blunder. The remarks upon Vane's testimony before the committee are put into the mouth of Strafforde, who, whatever he had secretly learned from Digby, could not at least shew that he knew any thing of the matter. Vane's testimony at the trial was quite consistent. The high compliments, too, paid to Strafforde—compliments which imply his innocence, are neither consistent with the usual style of Whitelocke, nor with the fact of his having voted that individual guilty. I am not the first who has suspected unfairness in the publication, and what I have shewn in regard to the embassy proves how editors proceed.

this offence, no admonition by which we should avoid it. If a man pass the Thames in a boat, and split upon an anchor, and no buoy be floating to discover it, he who oweth the anchor shall make satisfaction; but, if a buoy be set there, every man passeth at his own peril. Now, where is the mark, where the token upon this crime, to declare it to be high treason? My Lords, be pleased to give that regard to the peerage of England as never to expose yourselves to such moot points, to such constructive interpretations of laws: If there must be a trial of wits, let the subject-matter be of somewhat else than the lives and honours of peers.—It will be wisdom for yourselves, for your posterity, and for the whole kingdom, to cast into the fire these bloody and mysterious volumes of constructive and arbitrary treason, as the Christians did their books of curious arts, and betake yourselves to the plain letter of the law, that telleth us what it is, and what is not treason, without being more ambitious to be more learned in the art of killing than our forefathers. It is now full two hundred and forty years since any man was touched for this alleged crime, to this height, before myself: Let us not awaken those sleeping lions to our destructions, by raking up a few musty records that have lain by the walls so many ages forgotten or neglected. May your Lordships please not to add this to my other misfortunes: Let not a precedent be derived from me so disadvantageous as this will be in the consequence to the whole kingdom. Do not, through me, wound the interest of the commonwealth; and, however these gentlemen say they

speak for the commonwealth, yet, in this particular, I indeed speak for it, and shew the inconveniences and mischiefs that will fall upon it. For as it is said in the statute, 1 Hen. IV. no man will know what to do or say for fear of such penalties. Do not put, my Lords, such difficulties upon ministers of state, that men of wisdom, of honour, and of fortune, may not with cheerfulness and safety be employed for the public: If you weigh and measure them by grains and scruples, the public affairs of the kingdom will lie waste; no man will meddle with them who hath any thing to lose.

"My Lords, I have troubled you longer than I should have done, were it not for the interest these dear pledges a saint in heaven left me."—Here he paused, and shed a few tears.—"What I forfeit for myself is nothing; but that my indiscretion should extend to my posterity woundeth me to the very soul. You will pardon my infirmity; something I should have added, but am not able, therefore let it pass. And now, my Lords, for myself, I have been, by the blessing of Almighty God, taught that the afflictions of this present life are not to be compared to the eternal weight of glory which shall be revealed hereafter. And so, my Lords, even so, with all tranquillity of mind, I freely submit myself to your judgment; and whether that judgment be of life or death,

"*Te deum laudamus**."

* I have taken the above from Whitelocke. Other copies have less fire. See Nalson, vol. ii. Scott's Somers's Tracts, vol. iv. Rush. &c.

The eloquence of this passage is above its logic. The reasoning proceeds upon the assumption that the charge of the commons had been substantiated, and just amounts to this—that though all men know that it is criminal to infringe a particular law, yet a minister of state, who takes advantage of particular circumstances to overturn the whole established laws, cannot be justly questioned, because, there being no particular statute which exactly applies to such a case, he had no legal warning against the proceeding. A position so monstrous came with a remarkably bad grace from the individual who advanced it, because he had himself been one of the most zealous promoters of the petition of right, which was expressly passed to prevent such an invasion of the national privileges. His allegation, that he pleaded for the law, while he assumed the very principle in argument of having laboured to overturn all law, is strangely inconsistent. But, in a regular trial, the objection, that there was no established rule of law for his condemnation, seems to have been well founded; and the commons themselves, after a full pleading upon the point of law, which, on their part was undertaken by St. John, and on Strafforde's by Lane, abandoned that mode of proceeding, and brought in a bill of attainder.

Bill of attainder.

The bill of attainder has been generally condemned, even on abstract principles,—that is, assuming the guilt of Strafforde; but the argument which appears to be of the greatest weight, has been used by a late celebrated statesman: "That

nothing but a case of clear self-defence can justify a departure from the sacred principles of justice; but that, whenever an individual can be brought to trial, he is within the power of his prosecutors, and that, therefore, when there has been no law distinctly provided against the species of offence of which he is accused, the present delinquent should be allowed to escape, and a legislative enactment be made to meet the crime in future *. It is not without hesitation that I differ from this author, fortified as his opinion is by that of writers in general; but it has ever appeared to me that there is a fallacy in the argument, in consequence of the distinction, between the legislature and ordinary courts of law, having been overlooked. Courts of law, as they act by delegated authority, must necessarily be governed by the rules which the state that appoints them has thought proper to establish. The one is a necessary consequence of the other; and were any other principle to be recognised for an instant, the legislative power would centre in these tribunals. But it is a very different question, indeed, whether, on some great and crying occasion, when all that is estimable in society has been invaded, and rescued with difficulty from utter ruin, the perpetrators of this unprecedented wickedness, who acted upon the idea that the enormity of their guilt would protect them,— who, "judging themselves above the reach of ordinary justice, feared not extraor-

* Fox's Introduction to his Hist.

nary, and, by degrees, thought that no fault which was like to find no punishment *," may not be questioned by the legislature itself, in whose power are the lives and fortunes of the whole community? Whether, in short, that power which binds the whole, may not pass an act to touch an individual who has been guilty of the last degree of criminality? The sacred principles of justice are not impinged, for here is no precedent set for ordinary courts to transgress the limits prescribed to them; and the guilt is such as requires no written law to define it. Well may it be questioned too, whether it be not most advisable for a state to leave such monstrous iniquity undefined, lest, on the one hand, the study be how to commit wickedness in a new way so as to evade the statute; and, on the other, lest such definitions may not unnecessarily clog the administration. It has been argued, that the innocent may, by bills of attainder, be sacrificed to the vengeance of a prime minister †; but this is assuming that the legislature might be converted into a mere tool in his hand; and if that were to occur, surely the mention of law and justice would become a mockery; while there could not be any legal restraint against the commission of the act whenever the minister had an object to accomplish. It may be alleged that this is a reason for fortifying public opinion against the possibility of the measure; but it may fairly be admit-

* Clar. vol. i. † Laing.

ted, that wherever a people are so negligent of their own rights as to commit their lives, fortunes, and privileges, to a power in which they have so little confidence, they need not trouble themselves about the possibility of injustice to an individual whose high sphere must give an interest to that power to protect him, lest the members of it should create a precedent against themselves. In such a situation, men of humble rank could not be liable to that unusual mode of proceeding, because general laws can always be made to reach them; and the attainder of a grand delinquent produces a notoriety that must either secure him from injustice, or more strongly impress the public with the conviction, that a change is necessary in the constitution of their government. Thus, this argument, which assumes the possibility of such corruption, defeats itself. The legislature has seen cause repeatedly to suspend the *habeas corpus* act; and, however men may differ as to the propriety of the measure on any particular occasion, it must be admitted in the abstract, that there may be a sufficient ground for it. But assuredly there is no comparison between immuring any numbers in a dungeon, and striking at the life of some grand delinquent by a law for the occasion. The last excites universal interest, and, should there be injustice, general sympathy for the victim of oppression, and abhorrence against his persecutors. The former exposes thousands to the possibility of a greater evil. They have not the satisfaction of being heard in their own defence; they lose the

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public sympathy, and lie forgotten; nay, when restored to society, it is with broken health, and, in all probability, broken fortune, to be shunned like a pestilence, and exposed to the odium of vice, without the means of self-vindication, as they were to punishment exceeding, perhaps, in their estimation, what the law, in its utmost severity, could have inflicted on a full proof of the crime of which they were merely suspected. The magnitude of the evil none will deny; but the question is, whether it must not be endured to avoid a greater? An act of attainder, where the guilt of the accused is established by competent evidence, and amounts to that of attempting to overturn the constitution of the government, in a manner which had not been contemplated by the law, is not liable to such objections. In vain does the accused pretend that there was no statute to warn him of the crime, since it is an intuitive truth, that, if to violate one law be criminal, the violation of all the laws, which is involved in the attempt to subvert the whole system, must be infinitely more so.

With regard to the guilt of Strafforde, none can peruse the evidence without prejudice, and yet deny that it was fully established—whether we consider his government of the northern counties, which were completely disfranchised—his administration of Ireland—his unconstitutional advice, or the measures adopted in consequence of it. The invariable attempt has been to invalidate the testimony of Sir Henry Vane, which yet appears to have been

correct; but, were it even left out of view, the evidence independent of it, even in regard to the unconstitutional advice, would be sufficient. That he told the king that he might use his prerogative in raising money, and was absolved from rules of government, is indisputable: indeed, he admitted that he might have used the first, and his quibble about the meaning of the words never could be seriously listened to, when it is considered that the advice was given because the legal mode had previously proved ineffectual. But, if this be established, what related to the Irish army was a matter of no importance. He who recommends the adoption of an arbitrary course, and that particularly of taking the money of the subject by violence, necessarily calculates either upon having already a sufficient force to effectuate the object, or on being able to command it; and, therefore, the conclusion is inevitable, that Strafforde either was prepared to introduce the Irish army, or flattered himself that the executive had strength to carry through the measure without its assistance. The Irish army could merely have effected the purpose in view; in either case, the country was "to be reduced to obedience;" and, on the same principle that the Scots were to be overpowered by military force for resisting arbitrary measures, we cannot doubt that the same men were ready to advise, and pursue, a similar course in regard to England. When matters have proceeded to that extremity, there is scarcely an alternative, and the conclusion otherwise would just be, that Strafforde contemplated illegal violence of

every kind, which should be persisted in till the people had evinced a readiness to repel force by force—a conclusion that would not alleviate his guilt. Surely, then, whatever may be said of the bill of attainder, it must be admitted, that he committed the most aggravated treason against the state, and that there would have been a deplorable defect in the constitutional system, if criminality of so horrid a dye, partly acted upon too, had been permitted to escape punishment in a country where the heavy penalties of justice were severely visited on each petty offender; and, unquestionably, at all events, whatever may be said on that point, it cannot be disputed that the generous tear which has been shed for him, might well have been spared. It may be added, that there seemed every reason to conclude, that the fate of the empire depended in a great measure upon his,—a view which even brings the matter within Mr. Fox's idea in regard to self-defence.

Conduct of Lord Digby.

When the bill of attainder was brought into the lower house, it encountered sharp opposition, particularly from Lord Digby, who yet used the following language: "Truly, Sir, I am still the same in my opinions and affections as unto the Earl of Strafforde: I confidently believe him to be the most dangerous minister, the most insupportable to free subjects that can be charactered: I believe his practices in themselves as high, as tyrannical, as any subject ever ventured on; and the malignity of them hugely aggravated by those rare abilities of his, whereof God had given him the use, the devil the application. In a word, I believe

him to be still that grand apostate to the commonwealth, who must not expect to be pardoned in this world till he be dispatched to the other *." To render his opposition more effectual, this lord, as we have said, stole the copy of Sir Henry Vane's notes, to which, as a member of the secret committee, he had access. The loss of so important a document created a strong sensation, and the theft was imputed to Whitelocke, to whom, as chairman of the committee, it had been entrusted. He protested his innocence, declaring that he had never shewn it to any but the members of the committee; but the commons insisted that all the members of the committee should make a solemn protestation in the house, that they neither conveyed it away, nor knew what had become of it; and Digby took it "with more earnestness, and deeper imprecations than any of the rest †." Yet it afterwards appeared that he was the individual; and the promotion he obtained evinced that it was not unacceptable to his master. The bill, after a keen debate, passed with fifty-nine dissenting voices; and was transmitted to the lords with a message, that the commons were ready to maintain the legality of it in the presence of the earl himself. The duty of arguing the case was devolved upon St. John ‡.

* Coh. Parl. Hist. vol. ii. p. 780. Digby's father, the Earl of Bristol, though a witness against Strafford, laboured early to save that individual. See Hailes' Letters, p. 115, 16.

† Whitelocke, p. 43, 44.

‡ I have not ventured, for fear of misapprehension, to give any opinion of Mr. St. John's speech, in the text: That it was learned, all

Proceedings of the king in regard to Strafforde.

His majesty was now in a very pitiable situation in regard to Strafforde. To condemn the minister who, however great a delinquent to the community, had steadily endeavoured to promote what Charles conceived to be his own cause, conveyed

must admit; but as there was a passage in it which has been generally and justly condemned—that "we give law to hares and deer, because they be beasts of chase; but it was never accounted either cruelty or foul play to knock foxes and wolves on the head;" and therefore the reader may be gratified with the context. "My Lords, it hath been often inculcated, that law-givers should imitate the supreme Law-giver, who commonly warns before he strikes. The law was pronounced before the judgment of death for gathering the sticks: No law no transgression. My Lords, to this rule of law is, *Frustra legis auxilium invocat, qui in legem committit,* from the *lex talionis;* he that would not have had others to have had a law, why should he have any law himself? Why should not that be done to him that himself would have done to others? It's true, we give law to hares and deers, because they be beasts of chase: It was never accounted either cruelty or foul play to knock foxes and wolves on the head, as they can be found, because these be beasts of prey. The warrener sets traps for polecats and other vermin, for preservation of the warren. Farther, my Lords, most dangerous diseases, if not taken in time, kill; errors in great things, as war and marriage, allow no time for repentance: it would have been too late to make a law, when there had been no law. My Lords, for further answer to this objection, he hath offended against a law, a law within the endeavouring to subvert the laws and polity of the state wherein he lived, which had so long, and with such faithfulness, protected his ancestry, himself, and his whole family: It was not *malum quia prohibitum,* it was *malum in se,* against the dictates of the dullest conscience, against the light of nature,—they not having a law, were a law to themselves. Besides this, he knew a law without, that the parliament, in cases of this nature, had *potestatem vitæ et necis,*" &c. Rush. vol. viii. This language was assuredly, to say the least, injudicious, and seems somewhat to justify the remark of the cotemporary Scotch lawyer and politician, Johnstone of Warriston, who, in a letter to Lord Balmerino, says, "The advocates here have fine rencounters of speech, of quick turns of wit, but little syllogistical solidity of matter." Baillie's Let. p. 118-19.

equally a reproach upon himself, and an idea of cruelty towards the servant. His power, however, was now too much circumscribed to struggle openly with the torrent, and he tried the effect of intercession to prevent the passing of the bill by the lords; having previously, to molify both houses, consulted them upon a marriage between his daughter, the princess Mary, and the young prince of Orange. He now called both houses before him, and passionately requested them not to proceed severely against Strafforde, assuring them, that, as in his conscience he could not condemn that individual of high treason, though he could not acquit him of misdemeanour, so neither fear nor respect should induce him to act against his conscience. He requested the interposition of the Lords, declaring at the same time, that he deemed the accused unfit to discharge the lowest office in future, not excepting that of a constable. It could not, however, fail to alarm all men, after what they had suffered, and not to speak of other matters, considering even the instructions for the court of York, and the language of the pulpit, &c. to hear his majesty, even at this time, protest that no one had ever advised him to alter any of the laws, and, that, had any had the impudence to do it, "he would have set such a mark upon them, and made them such an example, that all posterity should have known his intention!" The speech was resented by the commons as a breach of parliamentary privilege; for that, were such an interference with bills in their passage through the houses to be

allowed, there would at once be an end to all free discussion in parliament *.

Army-plot. But measures of a very different description were secretly concerting at court, to save the life of this devoted individual, and rescue the prerogative from its present danger. The field officers and commanders of the English army happened to be at this time in the metropolis, where some attended as members of parliament, and the army was left under the care and direction of Sir Jacob Ashford. These officers, offended at the preference which they imagined was given to the Scottish army, in remittances of money, and anxious to obtain the royal favour, supposed that the English army might, in discontent, be converted into an instrument against the parliament; and, part of them being great courtiers, they soon began to concert matters with his majesty and the queen, about the use of military force both in rescuing Strafforde, and controlling both houses of parliament. The army itself began to be infected with a very ill spirit, and some desperate designs were agitated. But, fortunately, these men could not agree upon the mode of acting in the face of the Scottish army, and Lord Goring, who had himself expected the chief command, having been disappointed in that, gave information to Pym, whose vigilance traced it through various ramifications, and prevented its execution. The plot, however, still went on, even after the death of Strafforde;

* Whitelocke, p. 40, 44. Coll. Parl. Hist. vol. ii. p. 715, 754, *et seq.* Clar. vol. i. p. 255, *et seq.*

and, therefore, we shall have an opportunity of recurring to it afterwards. On the 28th of April, Mr. Hyde was sent up to the Lords with a message, that the commons apprehended a design for the escape of Strafforde, and they petitioned the king for the removal of papists, and the disbanding of the Irish army. But on the third of May, the plot was disclosed, and a protestation for the maintenance of the protestant religion, the king's person, and the power of parliament, was drawn by the commons, and transmitted to the Lords, for their common subscription. It was on that very day that a mob of about six thousand citizens came from the city, and surrounding the parliament, cried out for justice upon Strafforde and other incendiaries; and to be secured from plots against the parliament, and for the earl's rescue. They also alleged a decay of trade, and consequent want of bread. This mob also, posted up at Westminster, the names of the minority in the lower house who had voted against the bill, and whom they stigmatized under the name of Straffordians, and betrayers of their country. The mob was very rude to some Lords, but dispersed without doing further mischief. The minority complained of breach of privilege in being thus posted up; but against a mob no redress could be obtained *.

* The original letters published by Lord Hailes throw great light upon this point. See p. 117, 120, 121, 127, 134. Whitelocke, p. 45. Rush. vol. iv. p. 218, *et seq.* Vol. viii. p. 741. The chief cause of this tumult was the report of desperate designs and plots against the parliament: For, though it was the third of May before the discovery

The plot for bringing up the English army, was connected with a design of procuring assistance from France, drawing into the field the Irish army, which parliament had often in vain

was so complete as to warrant a formal disclosure, hints of the danger had been privately given ten or twelve days before, and had reached the city. Lord Clarendon's account of the army-plot is exceedingly disingenuous, and even inconsistent in itself. He, in the first place, charges Pym and the others with having brought out the particulars in such degrees as suited their purpose, and not having disclosed it till three months after the discovery. In the second place, he alleges that all that was ever done was drawing out a petition to the king and both houses for the subscription of the army, in which, after enumerating the good things which had been done, it is stated, that "there were certain stirring and pragmatical wits who would be satisfied with nothing short of the subversion of the whole frame of government, and that these were *backed by the multitude, who flocked down to Whitehall,* not only to the prejudice of that freedom which is necessary to great councils and judicatories, but possibly to some personal danger of your sacred majesty and the peers. The vast consequence of these persons' *malignity,*" the petition continues, "and of the licentiousness of those multitudes that follow them, considered in most deep care and zealous affection for the safety of your sacred majesty and the parliament; our humble petition is, that, in your wisdom, you would be pleased to remove such dangers, by punishing the ringleaders of these tumults, that your majesty and the parliament may be secured from such insolencies hereafter. *For the suppressing of which, in all humility, we offer ourselves to wait upon you, if you please,* hoping we shall appear as considerable in the way of defence to our gracious sovereign, the parliament, our religion, and the established laws of the kingdom, as what number shall audaciously presume to violate them: so shall we, by the wisdom of your majesty and the parliament, not only be vindicated from precedent innovations, but be secured from the future that are threatened, and likely to produce more dangerous effects than the former." This petition, according to the noble historian, being shewn to his majesty, he approved of it, "and was content that it might be subscribed by the officers of the army, if they desired it." The officer who presented it, remarked that "very few of the army had yet seen it; and that it would be a great countenance to it, if, when it was carried to the principal officers to sign it,

applied for the reduction of, his majesty declining to gratify them, "for divers reasons best known to himself," nay, one object of the plot was to prevent it; and even raising troops in London, under the

any evidence might be given them that it had passed his majesty's approbation; otherwise they might possibly make scruple, for fear of offending him." "Hereupon his majesty took a pen, and writ at the bottom of the petition C. R. as a token that he had perused and allowed it: and so the petition was carried down into the country where the army lay, and was signed by some officers; but was suddenly quashed, and no more heard of, till the discovery of the pretended plot:" vol ii. p. 205-7. The historian had told us, by way of introducing the petition, that such of the officers of the army as were members of parliament being displeased at the preference shewn to the Scottish army, particularly on account of the grant of money, whereby their own influence in the army was lessened, regretted the disloyal part they had acted, and "therefore, to redeem what had been done amiss, and to ingratiate themselves in his majesty's favour, they bethought themselves how to dispose, or at least to pretend that they would dispose, the army, to some such expressions of duty and loyalty towards the king, as might take away all hope from other men, that it might be applied to his disservice: *And to that purpose, they had conference and communication with some servants of a more immediate trust and relation to both their majesties*, through whom they might convey their intentions and devotions to the king, and *again receive his royal pleasure and direction how they should demean themselves*;" p. 214. Now, after telling us, as above, that the petition was quashed, he proceeds thus: "*The meetings continuing* between those officers of the army and some servants of his majesty's to the ends aforesaid, *others of the army, who had expressed very brisk resolutions towards the service*, and were of eminent command and authority with the soldiers, were, by special direction, introduced into those councils, *(all persons obliging themselves by an oath of secrecy, not to communicate any thing that should pass amongst them,)* for the better executing what should be agreed." He proceeds to tell us, that, *at the first meeting*, one of the persons so introduced proposed to bring "up the army presently to London, which would so awe the parliament, that they would do any thing the king commanded;"—that all the rest abhorred the proposal, and that he, either fearing a discovery, or resenting the rejection of his advice, went next day and disclosed

pretext of intending them for the service of Portugal. There was a design too, to introduce into the tower, under the pretence of guarding it, a hundred men, commanded by a Captain Billingsley, who had

the whole to the Earl of Bedford, Lord Say, and Lord Kimbottom; and yet afterwards proposed to the court-party, with a crew of good fellows, to rescue Strafforde, &c. He then says that, "as dangerous as the design was afterwards alleged to be, *it was not published in three months after to the houses, against whom the design was intended,*" &c. and only brought out to accomplish the ruin of Strafforde. Even Clarendon's own account of the matter shews that it was sufficiently appalling; for the proposal in the petition to wait upon you, "could," as Mr. Laing well remarks, "mean nothing else than to march directly to London," while the *subsequent meetings* and oath of secrecy, which that learned gentleman did not advert to, evince a most extraordinary spirit; but Mr. Laing, though he has some sound remarks upon the subject, has not considered the matter with his usual attention; and therefore we shall expose the statement of Clarendon, which Mr. L. has followed equally with Mr. Hume, neither of whom seems to have studied the evidence. In the first place, with regard to the concealment of the plot for three months, so contradictory is his statement, (the clearest proof of his misrepresentation) that he himself tells us, that "*the discovery of the plot concerning the army was made about the middle of April,*" p. 250; and that, in consequence of Mr. Pym's disclosure, the protestation was prepared on *the third of May!* p. 251-4. The plot itself, as appears by the evidence, was agitated during March and April and downwards, but not earlier; and indeed this is evident from his lordship's own statement, since the communication to the Earl of Bedford, &c. was made the day after the first meeting subsequent to dropping the petition, and that was the middle of April! It is clear, therefore, that not a day could be lost in making the disclosure, even by his own account. In the second place, the petition, which Clarendon presents as genuine, carries on its face the most unequivocal marks of fabrication—marks which it is wonderful should have escaped Mr. Laing. 1st, It alludes to the free course of justice against all delinquents, of what quality soever, which, if it mean any thing, must include the case of Strafforde, whose trial could scarcely have yet begun; 2dly, it alludes to "the removal of all those grievances wherewith the subjects did conceive their liberty of persons, property, or estates, or freedom of con-

undertaken to rescue Strafforde, that he might flee to Ireland and join the army there. So desperate a plot required all the vigilance of parliament. An application was made to the king for an order to

science prejudiced;" which must assuredly mean the Courts of Star-Chamber, High Commission, &c. all which still existed, and continued to do so for some time after; and lastly, what puts the matter beyond all doubt, is, that it is grounded upon the circumstance that thousands flocked at the call of certain men in parliament, and beset the parliament and Whitehall itself—and the very first tumult, according to all authorities, including the noble historian himself, occurred on the identical third of May, *in consequence of the city having been agitated with rumours of a plot*, when the disclosure was made by Pym, and the protestation drawn out! Some of the principal conspirators fled within two days of that disclosure! The fact is, that it is completely established by the evidence, that the chief officers began to take offence about the money, (that occurred in the beginning of March, see Diurnal Occurrences, &c. Ed. 1641; Hailes' Let. p. 110.) that having taken an oath of secresy, they had many consultations, and fell upon petitioning for money, and other points, the heads whereof were, "1st, Concerning the bishops' functions and votes; 2d, *The not disbanding of the Irish army until the Scots were disbanded too;* 3d, The endeavouring to settle his majesty's revenue to that proportion it was formerly;" Percy's Letter, &c.: That first one petition, and then another, were destroyed with his majesty's knowledge, neither of them being like that preserved by Clarendon: That the one given by Clarendon was first published by his majesty long afterwards, along with a state paper, (how he had a copy of a petition which was destroyed he did not disclose,) and, as there is every reason to believe Clarendon himself the author of the state paper, (see what he says on that point in his life,) so we may conclude that he who, according to his own account, was a dexterous forger of speeches and letters, which, with the king's knowledge, he published in the name of leading members of parliament, (See his life, p. 69, 70, 136-7,) and who stands detected of such gross misrepresentation in this case, was the fabricator. It may be remarked, that all the witnesses on this subject continued afterwards to enjoy the utmost confidence of the king and his royal consort, and were advanced to high honours. The reader will find the whole evidence at the end of the volume, in note A. and he is particularly requested to compare it with Mr. Hume's statement. That gen-

stop the ports, that the chief conspirators who were detected might not escape; but though the order was issued, one of them, Mr. Jermyn, a great favourite of the queen, was assisted by the court in quitting the kingdom. Percy, brother of the earl of Northumberland, who, with others, lay concealed, in a letter afterwards to his brother, gave such an account as might extenuate his own conduct, and as led to farther discoveries *.

In this alarmed state of the public mind, it was naturally agitated with imaginary danger. Even before this, apprehensions had been entertained of the Earl of Worcester raising a body of papists, and a report had prevailed of 1500 men having been trained with arms in Lancashire. The effect of

tleman ridicules the idea of marching the army to London, (he seems, however, scarcely, if ever, to have looked at the evidence;) but this, which is a species of argument that he always uses, will never rebut the most decisive proof that the thing was contemplated; and he overlooks the circumstance of military assistance being expected from France, assistance from Catholics, &c. while the metropolis would have been in the power of the army. But is it not extraordinary that this author should give so triumphant a sneer when he so deeply censures the conduct of the royal advisers for recommending a treaty with the Scots, and retails the story told by Clarendon of Strafforde's having shown how easily they could be driven out of England? It was, however, expected, that the Scottish officers might be won over to connive at the other's march. Clarendon's statement about the plot for raising troops under the pretext of sending them to Portugal is so unsatisfactory as to leave little room for doubt of the fact.

* Rush. vol. iv. p. 252, *et seq.* viii. p. 735, *et seq.* Cob. Parl. Hist. vol. ii. p. 776, *et seq.* "The declaration or remonstrance of the lords and commons in parliament assembled, May 19, 1642, with divers depositions and letters thereunto annexed," Husband's Collection, p. 195, *et seq.* Whitelocke, p. 45, 46. Journals. Diurnal Occurrences.

these reports however, has been cunningly exaggerated to throw ridicule on the grand design; and the facts themselves, have, with the same view, been given out of their order *. People had been startled in November before: one James a papist, having been pressed by a Mr. Heywood a justice, to take the oaths, suddenly drew his knife and stabbed the justice, with some reproachful words for persecuting poor catholics. The perpetrator of this desperate act was afterwards believed to be insane; but the event at first startled men who were not aware of the disorder of his intellects, some believing that he would not have ventured on so bold a measure, unless he had been promised assistance from his brethren †. This, however, is represented out of place, entirely to throw discredit on the plot, as if each petty circumstance were distorted, and infinitely magnified, by faction and prejudice, at the critical moment of Strafforde's fate. The effect of all this upon the populace, led them to offer insult to the queen mother, Mary de Medicis, on account both of her character and the number of papists who resorted to her. This lady, who was remarkable for her intriguing disposition, had, in in consequence of a combination with the Duke of Orleans, "and the ill success of that enterprise made France too hot for her;" and had been driven to Brussels, where she was a while caressed by

Queen mother.

* Clarendon misrepresents strangely—huddling all things purposely together, whereas the report from Lancashire was made on the 10th of February preceding. Diurnal Occurrences.' Some other stories told by him appear to be pure fiction.

† Clar. vol. i. p. 910; now see Rush. vol. iv. p. 57

the cardinal infanta; but even there she provoked so many enemies, that the general curses making her dread personal violence, induced her to seek an asylum in Holland, under the protection of the prince of Orange: as, however, she could not remain quiet, she found it necessary again to move, and in the year 1638, came into England, where, says Whitelocke, "the people were generally discontented at her coming and at her followers, which some observed to be the sword and pestilence, and that her restless spirit imbroiled all where she came *." The fatal influence that the queen began to acquire over her husband was generally known, and had been remarkably evinced in the late plot, in which she had been particularly active. But the queen-mother was again suspected of encouraging her daughter, and intriguing in affairs of state; and the populace of England began to treat her with the same insult which she had experienced elsewhere. The king upon this sent a message to the commons, who, while they expressed their readiness to assist his majesty in all just ways for her protection, humbly beseeched him, that as their precautions might be insufficient to save her from insult, he would move her to leave the kingdom †. She afterwards went to the Low Countries, where she died ‡.

* Whitelocke, p. 20. The French about court were to take arms on the advance of the troops.

† Rush. vol. iv. p. 466, 467.

‡ Id. p. 492. Whitelocke, p. 47. This again is given out of its place by Mr. Hume, to cast odium upon parliament. See Laud's Diary, Oct. 10, 1638.

Had parliament been otherwise disposed to abate their rigour towards Strafforde, the obstinate refusal of Charles to disband the Irish army, and the army-plot, must have inflamed them with additional keenness. The prince who could contemplate such measures, could never, after this detection, expect to recover the confidence of the people; and the leading members in either house must have been sensible that, in the event of his success in such schemes, they would be sacrificed to the royal vengeance. In the case of Elliot and others, they had a warning to a certain extent, and aggravated must have been the vengeance in proportion to their late vigorous controlment of the prerogative, and hot pursuit of the royal servants. When, therefore, some of the Straffordians, as they were called by the populace, privately urged a judgment against that criminal as for a minor offence,—a judgment in which they would have concurred, it was answered, 'that were he voted guilty of a misdemeanour,' and doomed to banishment from the royal presence, 'and incapacity to serve in a public station, as well as to fine and imprisonment, the king would immediately, on a dissolution of parliament, remit the punishment, and, with a general pardon, restore him to favour and place, when he would act over again all that had been so deeply as well as justly complained of*. Indeed, after the late desperate plot,

* Clar. vol. i. p. 241, *et alq.*

the most bloody measures were in that case to be apprehended.

State of the finances, and bill for the continuance of parliament.

Government was now in great arrears to both armies, lying in the bowels of the kingdom; and though parliament might vote subsidies, money, which was instantly wanted, could only be raised immediately by loan. But the city, whence the money was expected, was only inclined to lend upon the assurance of a general redress of grievances; and it was commonly believed, that were the armies disbanded, the king would at once dissolve the parliament, and recur to his old illegal courses, while he would dearly visit on the heads of the popular members, the attempt to restrain him in the exercise of arbitrary power. At this critical juncture, a Lancashire knight undertook to procure a loan of £650,000 till the subsidies could be levied, if his majesty would pass a bill not to prorogue, adjourn, or dissolve the parliament without the consent of both houses,—that it might continue till grievances were redressed, and a provision made for the money borrowed. The suggestion was eagerly taken, and a committee named to draw a bill to that effect. Next morning it was moved and passed that very day *. It was then transmitted to the upper house, by which it was also passed. In the mean time, the bill of attainder was passed by the lords, who had previously taken the opinion of the judges re-

* Whitelocke, p. 45. Diurnal Occurrences, Journals. Ob. Parl. Hist. vol. ii. p. 786. Clar. vol. i. p. 260. *et seq.*

garding its consonance to law. And now appeared an extraordinary revolution in the feelings and sentiments of the bench within a few months: The judges unanimously delivered it as their opinion, that the crimes proved against Strafforde amounted to high treason. Fortified with the opinions of the judges, the peers proceeded to vote, when, out of the number of forty-five who attended, twenty-six voted him guilty on the fifteenth article, for illegally levying money in Ireland by force; and on the nineteenth, for imposing an unlawful oath on the Scots *.

Bill of attainder passed by the lords.

These two grand bills, one for the continuance of parliament, the other for the attainder of Strafforde, were presented to the throne together. Charles was much perplexed; but his embarrassments were great, the cry of a discontented people loud. He consulted his councillors, and the majority of them advised him to pass the bills. As to Strafforde, it was argued that he was merely an individual; and that, as the consequences of a furious multitude, with an almost universally deep-rooted distrust of the executive, might be very terrible, so there was no other expedient to appease the public mind,—to induce parliament to make provision for the public exigency, or the city to advance money on loan. Amongst others, Williams, who had a little before been so persecuted, but had been lately, according to his own prediction, taken into the council, and apparently resto-

Charles passes the bill of attainder, and that for continuing the parliament.

* Coh. Par. Hist. vol. ii. p. 737, 738. Whitelocke, p. 45.

red to favour, is said to have been an active adviser on the occasion, alleging that his majesty had a twofold duty to perform, one to himself, the other to the public, and that his conscience might, in a public capacity, do what, in a private, it might condemn: That all ordinary cases of life and death were referred to the judges through whom the king acted, and that, in this, not only the two houses of parliament had concurred, but the judges delivered their opinions against the accused. Though Williams had been the most virulent adviser, and should, if he had acted from personal and vindictive motives, be fairly censured, yet of all men Strafforde had least cause to complain, since he had himself so profligately assisted in the persecution of that individual, and the man who abuses his present power to crush an adversary should not murmur at a similar return on a change of fortune. But some writers, particularly Clarendon, appear to have done Williams little justice on all occasions, and less on this: the house of lords themselves nominated four prelates, the lord primate Usher, and the bishops Morton, Williams, and Potter, to satisfy his majesty upon this subject, and they all concurred in one opinion, while the first still retained the confidence of the earl to that degree (could a better proof of the correctness of his evidence at the trial be desired?), that "he prayed with him, preached with him, gave him his last *viaticum*, and was with him on the scaffold as a ghostly father till his head was severed from his body." The rest of the councillors, and the bi-

shops, at least acquiesced in the opinion*. Strafforde himself, understanding what had passed, and having lost all hopes of rescue from the tower, addressed a letter to Charles, requesting him to pass the bill, that his life might no longer be the means of preventing a reconcilement of the prince with the people. Whatever might be his motive for writing this letter, whether to acquire popular favour by a shew of magnanimity, as he probably expected that the request would be divulged, or to rivet himself more firmly in the monarch's affections by a pretended concern for his welfare, the sequel proved that he did not anticipate that the request would be granted. Hence, we may easily conclude that the story told by Clarendon of a purpose entertained by the keeper of the tower to order the earl's head to be struck off privately in case the king refused to pass the bill, and of this having been the prisoner's inducement (he having heard

* Clarendon appears, from the rancour with which he always speaks of Williams, to have had a personal enmity to him. While he so strongly condemns him, and unjustly, on this ground, he yet admits that the others acquiesced. But see Hacket's Life of Williams, from which the above quotation is taken, part ii. p. 161. Authorities on this point are not, as indeed might be expected in a case where the greatest odium was supposed to be the party to be attached to the advice, quite in unison. Nalson says that Juxon dissuaded his master from passing the bill, (vol. ii. p. 192.) but other authorities do not support the statement. An attempt too has been made to vindicate Usher upon an account alleged to have been privately given by himself; but, even according to this, he told his majesty that he (the king) should himself be satisfied as to the proof of the facts, but that as to their legal effect he ought to be guided by the judges, an advice that approximated to that of Williams. See Biog. Brit. article Usher. The statement is disproved by the facts as given by Hacket, &c.

of the plot) to write the letter, must be as unfounded as the act itself would have been atrocious. Sir William Balfour appears to have been a gentleman of a high sense of honour, and himself was proof against all seduction to connive at an escape, though offered £20,000 and the earl's daughter to his son. But this, which reflects so much credit upon his integrity, was in reality the cause of the slander. Urged by his council, and apparently pressed by the criminal himself, Charles granted a commission to pass both bills, and sent Secretary Carleton to apprise the prisoner of his fate, with the motives that had influenced the king, among which was particularly mentioned his own request. Stunned with the unlooked-for intelligence, Strafforde conjured the secretary not to trifle with his feelings, but to declare the truth. The other assured him of the fact, when he started from his chair, and, lifting his eyes to heaven, at the same time laying his hand on his heart, exclaimed in agony, "Put not your trust in princes, nor in the sons of men, for in them there is no salvation." Charles himself felt immediate remorse for having given his consent, and the next day, which was the 11th, wrote a letter to the lords with his own hand, begging them to interpose with the lower house to spare the earl's life; but they refused to interfere, and it became necessary for the prisoner to prepare for execution *.

* Coh. Parl. Hist., vol. ii. p. 758. Whitelocke, p. 45. Clar. vol. i. p. 257. Rush. vol. iv. p. 262, *et seq.* Mr. Hume, in a note, says, that "Mr. Carte, in his Life of the Duke of Ormond, has given us

Strafforde was appointed to suffer on the 12th of May, upon a scaffold erected on Tower-hill. In his passage thither, he looked up to the apartment of Laud, who stood at the window dissolved in

Execution of Strafforde, 12th of May, 1641.

some evidence to prove that this letter was entirely a forgery of the popular leaders, in order to induce the king to sacrifice Strafforde." Mr. Hume then gives his reasons for inclining to the other opinion. But, the story which Carte gives us, (he says he received it from a Mr. Howard, to whom he appeals, and who had it from another, &c.) is ridiculous, and was most probably improved at least by himself, for whoever has studied the works of that author, must be satisfied of his want of scrupulosity in any statement on that side of the question.

Amongst Carte's papers at Oxford, I found a card from Birch to him, of which the following is a copy: "To prevent Mr. Carte from falling into new mistakes, Mr. Birch thinks proper to assure him, that he had not the least hand in the letter to the Rev. Mr. Thomas Carte, nor ever saw one line of it before it appeared in print; and that his expostulations with Mr. Carte's at Childe's Coffee-house, were founded upon the enclosed comparison of that gentleman's two performances at that time drawn up by him; which, in justice to himself, he is determined to publish if Mr. Carte introduce him in any manner into his dispute with the Bye-Stander, or with the author of the said letter to Mr. Carte.

Feby. 2d, 174§."

The comparison, which has two columns on every page, one containing the one statement, the other the other statement, or different authorities, certainly exhibits the most extraordinary misrepresentations and inconsistences that can well be imagined, and is only equalled by the extreme violence and insolence with which Carte writes to his correspondent Mr. Boswell, Rector of Taunton, on the subject. Carte did not himself directly venture to enter the lists with Birch, (See Birch's Preface to the last edition of his Enquiry,) but it appears by his correspondence with Boswell, that he got that individual to publish an answer in his own (Boswell's) name. The work was published in 1754, under the title of the Case of the Royal Martyr considered, &c. Carte's Papers, C. C. C. C. or E. E. E. E. (I think they are marked both ways,) Loose Papers, No. 2. 378. The person who had drawn out the catalogue had not attended to the correspondence, otherwise he would not have accused Mr. Boswell of having "pirated" the performance and published it in his own name.

tears, and having pronounced his blessing, sank down overpowered*. The interested, guilty friendship of these two individuals, had been latterly dissolved by deadly hate; but a common calamity—each, in the other's misfortunes beholding his own—had since restored a mutual sympathy †. The Earl, accompanied with the Primate of Armagh, the Earl of Cleveland, and his own brother, Sir George Wentworth, walked with a firm step and undaunted mein to the place of execution, where, having addressed the bye-standers, and coolly adjusted his hair and clothes, he died with perfect composure. Draughts of speeches, which, it is alleged, he had prepared about the time of his death, have been attributed to him; but they do not appear to be genuine, and are at variance with that which Rushworth took from his lips on the scaffold, as well as with the heads of it which that collector has preserved from the written copy under the earl's own hand; though charity would induce all who are acquainted with his correspondence, &c. to wish that it had been otherwise; or, at all events, that that portion at least of the speech

* Nalson, vol. ii. p. 198. Rush. vol. viii. p. 782. Heylin's Life of Laud, p. 480.

† We have already given authorities on this subject. After Strafforde's great ascendancy, which was in 1639, Laud seems to have truckled to him as the other had formerly done to Laud, Sidney Papers, vol. ii. p. 626. But Strafforde had at that time lost the good graces of the queen, Clar. vol. i. p. 126, while Laud was deep in her favour; See Diary, &c. The first too joined with Cottington in great confidence, (Sidney Papers, vol. ii. p. 637.) though an individual whom Laud appears to have been very jealous of. See Straf. Let. vol. i. p. 480. Clar. vol. i. p. 141. See also what we have already said on this subject.

actually delivered on the scaffold,—in which he declares himself to have been always a friend to parliaments, were not authentic, for it is deplorable to believe that his last moments were polluted with an untruth *.

Thus died Strafforde, in the forty-ninth year of his age, atoning, in some measure, for the errors of his life by the manner of his death. We have dwelt the more upon his trial, both as it has been generally misrepresented, and as his fate was so remarkably connected with the succeeding convulsions. A man of talents he unquestionably was; but in vain do we search his letters and dispatches, as well as his defence, for proofs of those transcendant abilities which have been commonly ascribed to him. He had, from his youth, earnestly cultivated composition and public speaking, and though he attained no perfection in the first, he acquired, what is absolutely necessary, in the last, and hides many defects—fluency of language. The natural impetuosity of his temper was, therefore, unrestrained by the difficulty, which so many experience, of finding words to give it vent; and his manner appears, from all accounts, to have been exceedingly graceful. But he had one vast advantage in what Lord Bacon calls the eloquence of accident. The king and queen, (how far their influence extended we need not inquire,) the cour-

* Rush. vol. iv. p. 267, *et seq.* vol. viii. p. 759. Nalson, vol. ii. p. 198, *et seq.* Scott's Somers' Tracts, vol. iv. p. 254, *et seq.* About 100,000 people attended the execution; yet not an indecent expression escaped one of them. Rush. vol. viii.

tiers, the ladies, the clergy, ("who, in general," says May, "were so fallen into love and admiration of this Earl, that the Archbishop of Canterbury was almost quite forgotten by them *,") were ready to applaud every thing that fell from his lips. The vicissitude of human life, so strongly exemplified in the case of one who, with such rank, had lately possessed such power, and was still expected to recover it if he escaped the present danger, yet now appeared as a criminal, was necessarily affecting, while he equally derived importance, and borrowed lustre, from the exertions which were made to bring him to justice, and the imposing solemnity of the whole scene †. His

* May, p. 92.

† Those who collect his defence to the different articles, with the answer to the charge, will find the chief arguments urged by him, then used in the last; and if Digby, as was believed at the time, and may be inferred as nearly indisputable from the part he acted regarding the notes of council, carried to him on account of all the depositions, there is the less to admire. People are foolishly apt to wonder at every thing spoken, though they would see nothing particular in it if it had been written, as if a man could not say what he could put on paper, when he has a little time to recollect himself. The self-collectedness shewn by Strafforde has been greatly admired. But when we consider the grand theatre on which he exhibited; that, whatever the issue, he still had the admiration of a great body, we can admire it the less. Even Laud, though naturally timid, and placed in very different, and far more trying, circumstances, was admitted to have defended himself with the utmost readiness and great acumen. I have already spoken of what are called his troubles, and I need not repeat what I have said. I do not admire them; but in point of readiness, &c. they exceed what we find in Strafforde's defence. It was the conclusion only of Strafforde's which filled people with admiration, particularly his pausing to weep at the mention of his second wife. But Laud had a vast number of authorities from the fathers to quote; and, in short, defended himself on abstruse

death, by satisfying justice, soothed his adversaries, and left his friends the power of magnifying his virtues: the subsequent events produced a species of devotion in the royalist party to his memory, because, with his fate, they all, including the monarch himself, associated their own misfortunes. The supposed authenticity of the Eikon, in which Charles is made to lament his rash concession to the voice of his people, increased the feeling—a feeling which has descended from one generation to another—till with many, especially the high-church party, it became a mark of disaffection to doubt either the magnitude of his talents, the baseness of his persecutors, or the integrity of his life: And it is somewhat singular that the latter has commonly been most vehemently asserted by such as have been themselves remarkable for entertaining principles approximating to those which

points as well as on facts, the evidence of which he disputed.' In my opinion, a man who, in such circumstances, defends himself, has an advantage; he can always tell his own story in commenting upon the evidence, and, as he speaks confidently, he is a sort of witness in his own favour: the magnitude of the occasion, too, if he have any power, rouses him to the highest exertion. It is true that a little mind is apt to sink under a great occasion; and there are state cases where the prisoner should never open his own lips, because the sentiments which he utters may be held by the jury to savour of what he is arraigned. But Wentworth himself never expected to lose his life. The utmost he looked for was a sentence for misdemeanour, which his majesty had, by a letter under his hand, promised to pardon without affecting his fortune. See [illegible] in Biog. Brit. to his wife. See also Charles' Letter, Ib. There is even a mysterious letter to his secretary Sidgeby, shewing that he had some faint hope after the bill was passed. Rush. vol. viii. p. 7[illegible]. What was the nature of his expectations I shall not pretend to determine.

he suffered for acting upon. The cause of the extraordinary attachment to his memory may be fully discovered in the words of his friend Sir George Ratcliffe: "*He died a martyr for the church and the king.*" But there never was a more unfounded notion: he encouraged a system, which,—however, he merely adopted from a view to self-aggrandizement,—that had nearly occasioned the utter ruin of both the one and the other, while it led to the untimely death of his royal master.

He was thrice married, first, at a very early age, to Lady Margaret Clifford*; then to Lady Arabella Hollis; and lastly, within a year of Lady Arabella's death, to Elizabeth, daughter of Sir Godfrey Rhodes, a lady whom he preferred to a daughter of the Earl of Cork, though he was, at the same time, so ashamed of the connection, as beneath his rank, that he concealed the marriage, which was a private one, for about a twelvemonth. By the first he had no children, but he had three by the second, a son and two daughters, (another son by

* The authors of the Biog. Brit. have questioned the date of this marriage, making it much later, because, in setting out with his essay, towards the life of Strafforde, Sir George Ratcliffe complains of the decay in his memory, which would prevent him from doing Strafforde justice in sundry particulars, and they think the marriage too early in his life, but, in truth, Ratcliffe's statement is not an apology for incorrectness, but for having so little to relate, as he immediately writes this, "But seeing my faithful memory hath lost part of the occurrences which concern[illegible] Lord, I am loth to let slip the remainder." In dates he is remarkably correct so far as his Essay goes; he certainly was better able to judge regarding the probability of his patron's marriage than these writers; and he never could be mistaken in this respect, as, if he had, the son to whom the Essay was addressed, could have corrected the error.

that wife died young,)—and two by the third,—a son, born two years after the marriage, who predeceased himself, and a daughter, whom he left an infant *.

* Lady Arabella is said to have been remarkably beautiful and accomplished, and he always spoke of her memory with the highest respect, as his *saint*, &c.; while Sir George Ratcliffe tells us that he carried him out of bed to receive her last blessing. But perhaps the fair reader may not deem his attachment to have been of a very exalted nature, or his affection long-lived, when she reflects that he was talking about a third marriage within not many months of her death, and actually formed his third connection within the year. She died in October, 1631; and, from a letter by him to Mountnorris, on the 19th of August following, it appears that he had then declined a marriage with the Earl of Cork's daughter. Lett. and Disp. vol. i. p. 73. Ratcliffe tells us that he married next October; but from the following letter it may be doubted whether that event had not occurred earlier, though Ratcliffe might either not chuse to mention it, or might himself be a stranger to all the truth. "Madam, I have in little much to say to you, and, in short terms, to profess that which I must appear all my life long, or else one of us must be much to blame. But in truth I have that confidence in you, and that assurance in myself, that to rest secure the faulte will never be made on either side. *Well, then, this little and this much, this short and this long, which I aim at, is no more than to give you this first written testimony that I am your husbande, and that husbande of yours, that will ever dischardge those dutyes of love and respect towards you which good women may expectt, and are justly due from good men to dischardge them with a hallowed care and continued perseverance in them;* and this is not only much but all things which belongs me, and wherein I shall treade out the remainder of life which is left me; *more I cannot say, nor perform much more for the present, the rest must dwell in hope untill I have made it up in the ballance that I am, and must be, nor other than your ever-loving husbande, Wentworth.*" York, 30th October, 1632. From a postcript to this letter, about a paste for the teeth, one box to himself another to her, it appears that the lady was in London, (nay, he desires her to speak to Ratcliffe for the paste,) and he does not by his letters appear to have been from York that month. (See his Let. and Disp. during that month, and even August;) whence we may conclude that the confection was of an earlier date, or that he had sent her all immediately after the ceremony. But is there not something mysterious

The children were by act of parliament restored to their blood and estate *.

ous in this matter? Though privately married, surely the lady needed not have been afraid, as she evidently was, of being discarded like a cast-mistress, since she might have easily proved the marriage. She had answered this letter in a humble strain, and he wrote thus, on the 19th of November, "Dear Besse," (the former cold Madam, probably tended to freeze the Lady,) "your first lines were wellcum unto me, and I will keepe them, in regard I take them to be full as of kindnesse soe of truth. *It is no presumption for you to write unto me*, the fellowship of marriadge ought to carry with it more of love and equality than of any other apprehension," &c. The continued strain of the letter is in itself exceedingly good; but she had cause to lament the want of equality, nay, downright degradation, since he did not acknowledge her as his wife, and kept her at a distance—strange condition for a newly-married woman—nay, sent her into Ireland next January (1633) under the charge of Sir George Ratcliffe, while himself did not follow till July after. See Biog. Brit. Wentworth, Ratcliffe, *et seq.* But the writers of the Biog. Brit. appear to pay no attention to dates, for while they mention that she went with Ratcliffe to Ireland in January, 1633, they say that Wentworth did not think proper to carry her over himself, but left her to the care of his trusty friend Ratcliffe, &c. whereas he himself went only in July, 1633; and if they mean that she was brought over in January, 1634, they are equally wrong, as Ratcliffe states the matter precisely. Indeed, after Wentworth acknowledged the marriage, there was no occasion for living longer separate. Ratcliffe tells us that Strafforde consulted him and Greenwood on all his domestic as well as public affairs. See Laud's Letter,

* Journals, 15th June, 1641. Nothing regarding Strafforde has been treated with common justice. The usual clause in a bill, *pro re nata*, that it should not be drawn into a precedent, and which is a proper restraint upon the ordinary courts, to which alone it is applicable, has been represented as an implied admission of the illegality of the bill: Even the restoration of the children has been laid hold of by Mr. Hume as a confession of injustice. Yet it may safely be remarked, that had parliament refused that concession, their conduct would have been stigmatised as the height of barbarity. In the concession they merely followed the example which had been set them in various cases by the family on

The principal officers of state, as we have already mentioned, had tendered their resignations Officers of state resign.

14th Oct. 1633, about the marriage in Lot, and Disp. vol. i. p. 125. On the back of Wentworth's first letter to his third wife were written these words in a female hand. "Tom" (the first child) "was borne the seventeenth of September, being Wednesday, in the morning, betwixt two and three o'clock, and was christened of the seventh day of October, 1634," Biog. Brit. It is a little odd that Clarendon should have known so little of Strafforde's family, as to say that he had all his children by Lady Arabella, (Hist. vol. i. p. 188.) and it is strange

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the throne, and particularly in the case of Sir Everald Digby's son, though Sir Everald's treason was of the blackest kind—the gunpowder plot. And, for my part, I am not disposed to give him entire credit for the *conscientious* part he performed in that plot. It is true that false religion had satisfied his scruples; but did he not expect temporal power as a reward for religious zeal? Of late, many exertions have been made to put an end to the attaint of the blood in the case of treason; but the reasoning used has not convinced me. It is the protection of the laws which has enabled every individual to succeed to title and estate from his ancestors; and when he endeavours to destroy all law, it is but fair that he should forfeit them for his posterity: he breaks the condition on which he was permitted to enjoy them. Besides, a man will frequently be deterred from the perpetration of an enormity out of regard to his children when he might not otherwise be restrained; and, in that case, severity to the individual is mercy to the community. I suspect that people's reasoning on this subject is apt not to be unmixed: that they, in considering the point, call to mind the instances of men who have either been unjustly condemned, or have merely been unsuccessful in a noble struggle for the liberties of their country—such as the cases which occurred in the two next reigns, and have taken place in other states—and that the feelings inspired by these instances warp the judgment in deciding upon the propriety of extending the penalties to the heirs: But this is assuredly an unfair view of the question; since on all hands the enormity of the crime, and the necessity of terrible punishment are assumed, the guilt being that of individuals heading a faction to destroy that system under which the community at large chuse to live.

with a view to their places being bestowed upon the chief popular members, on condition of their

that Strafforde, whose private letters shew that he was much attached to his child by the third wife, should never allude to her, nor to his wife, when he paused in his speech: but the rhetorical effect would have been spoiled. Rushworth, vol. viii. p. 773 The authors of the Biog. Brit. I suspect, have fallen into a mistake in supposing, from a passage in a letter, that he had more daughters by his third wife, forgetting that he then included his two former daughters: see a letter to his wife, to whom he professed great attachment, in Somers' Tracts, vol. iv.

"He was much defamed," says Rateliffe "for incontinence, wherein I have reason to believe that he was exceedingly much wronged. I had occasion of some speech with him about the state of his soul several times, but twice especially, when I verily believe he did lay open unto me the very bottom of his heart: *One was, when he was in a very great affliction upon the death of his second wife; and then, for some days and nights, I was very few minutes out of his company.* The other time was at Dublin, on a Good-Friday, (his birth-day) when he was preparing himself to receive the blessed sacrament on Easter-Day following. *At both these times, I received such satisfaction as left no scruple with me at all, but much assurance of his chastity.*" It is clear from this, that his character had been noted on this account before the death of Lady Arabella; because, otherwise, Rateliffe would not, at her death, have required to have his scruples removed. Rateliffe continues: "I knew his ways long and intimately, and though I cannot acquit him of all frailties, (for who can justify the most innocent man,) yet I must give him the testimony of conscientiousness in his ways, that he kept himself from gross sins," (was not the affair with Chancellor Loftus's daughter-in-law a gross sin? or was it merely a frailty?) "and endeavoured to approve himself rather unto God than unto man, to be religious inwardly and in truth, rather than outwardly in shew." The same Rateliffe celebrates his justice, &c. only admitting that "he was exceeding choleric."

In Strafforde's case, as well in the instances of contemporaries, was sadly exemplified the misery of those "who hang on prince's favours"—and the baseness of the men. Williams, whom he had courted, he afterwards tried to ruin. Weston, Earl of Portland, to whom Wentworth professed the most ardent devotion, had scarcely

dropping the prosecution of Strafforde; but, as that arrangement had failed, the resignations were not accepted of. The fate of Strafforde, now, however, so alarmed these official men, that they declined to retain their dangerous pre-eminence longer, and Cottington's office of master of the wards

introduced him to Court when he suspected, from Wentworth's union with Laud, of whom Weston was jealous, that he was trying to supplant him. Let. and Disp. vol. i. 79, 211. Cottington had written to Strafforde about the dangerous indisposition of Weston, and he answers, (on the 28th March, 1635.) that he had been so affected, that he had not been well since; "that Monday night last he swooned twice before they could get off his clothes." Id. p. 393. In a letter to the Earl of Newcastle, on the 9th of April, that is, within a fortnight of the one to Cottington, he expresses himself thus. "The truth is, I conceive my Lord Treasurer, sometime before his death, wished me no good, being grown extreme jealous of my often writing to my Lord of Canterbury, and myself, out of a sturdiness of nature, not so gently passing by his unkind usage, as a man of a softer and wiser temper might have done; for, I confess, I did stomach it very much to be so meanly suspected, (being as innocent and clear of crime towards him as the day,) considering that I had, upon my coming from Court, given him as strong a testimony of my faith and boldness in his affairs, nay, indeed, a stronger than any other friend he had, durst, or at least would do for him. So as finding myself thus disappointed of the confidence I had in his professions at our parting, I grew so impatient as to profess, even to himself, I would borrow a being from no man living but my master, and there I would fasten myself as surely as I could; so as by his death it is not altogether improbable that I am delivered of the heaviest adversary I ever had." Id. p. 411. No wonder that Weston was jealous, considering Wentworth's correspondence with Laud, to whom Wentworth professed the most unlimited devotion. "He should end his life in acknowledgments to his grace," &c. See his Letters to Laud during the life of Weston. How these individuals afterwards split we have already seen. Again Wentworth even applies for an Earldom to stop the influence of his enemies, who sought his ruin, but might be deterred by such a mark of the royal favour. Charles long refused it. See Biog. Brit. and Let. and Disp.

was bestowed upon Lord Say; Juxon's, of high-treasurer, was put into commission; the Marquis of Hartford was appointed governor of the Prince; the Earl of Essex chamberlain of the household; while the Earl of Leicester was nominated lord-lieutenant of Ireland *.

Abolition of the star-chamber, &c. &c.

During the momentous trial of Strafforde, bills were brought into the Lower House for the abolition of the Court of Star-chamber, the High Commission, the Court of York, the Court of the Marches of Wales, &c.; but they were not transmitted to the Lords till his fate was determined. Having passed the Upper House likewise, they were presented to the throne along with a poll-bill; but his majesty, while he passed the last, took no notice of the first, and the circumstance excited discontent, which induced him to pass those bills also †. His grand object was to retain the ecclesiastical government, which the current now ran strongly against. A bill, in consequence of former

A bill to restrain bishops, &c. from secular offices.

It is alleged that Sir Henry Vane had perjured himself out of revenge for an injury done him by Strafforde, in taking the title of Baron Raby, Raby being the name of Vane's estate; but the best proof of the correctness of Vane's testimony is, that in spite of it, he retained the king's confidence. See Correspondence between Charles and Secretary Nicholas in the Append. to Evelyn's Mem. The paper for bridling parliaments, in Ludlow's Appendix, is improperly attributed to Strafforde, having been the production of Sir R. Dudley in the preceding reign. See Howell's State Trials, vol. iii. p. 387. I should not have noticed this had not the same error been committed by the editor of Hutchison's Memoirs.

* Coh. Parl. Hist. vol. ii. p. [redacted] Whitelocke, p. 16.

† Coh. Parl. Hist. vol. ii. p. 811, 851. Rush. vol. iv. p. 301. Nalson, vol. ii.

resolutions, having passed the lower house, to restrain bishops and the other clergy from intermeddling with secular affairs, and which affected the right of the hierarchy to sit as members of the Upper House,—a right that, according to the most eminent lawyers, they had enjoyed, not as belonging to their ecclesiastical function, but to their secular baronies *—was transmitted to the House of Lords; but, as was to have been anticipated, it naturally met with a powerful opposition from the spiritual members, of whom there were twenty-six; and as several temporal peers joined them, they succeeded in throwing out the bill †. The fate of this bill only induced the commons to attempt a bolder measure—that of utterly abolishing the hierarchy, with deans and chapters, &c. The bill on this subject is said to have been drawn by St. John; but Sir Henry Vane, jun. and Oliver Cromwell were the most active promoters of it; while Sir Edward Deering was prevailed upon to adopt it: but the opposition to the reading of the bill was so violent, (Clarendon, then Mr. Hyde, who had already engaged himself to the crown, was exceedingly active on the occasion,) that, though it was read, the popular members perceived the propriety of not pushing it for a season ‡, though they did not abandon it. A new church government, by commis-

Deering's bill for the utter extirpation of bishops, deans and chapters.

* 4th Inst. p. 35, 46, 321.

† Cob. Parl. Hist. vol. ii. p. 72[illegible]3, 92, 4, 814, 16, 22, 28.

‡ Ibid. vol. ii. p. 814. See Deering's Speeches, London, printed by F. Englesfield, 1642. Clar. vol. i. p. 275. Life, vol. i. p. 12, 82.

sioners in every diocese, was intended as a substitute. A liberal allowance was to be made to the present incumbents. To terrify the hierarchy, too, thirteen of the bishops were impeached for their illegal proceedings at the late convocation. Wren, upon a report of the committee, was voted to be incapable of holding any office, either in church or state, and committed to the tower. Six of the judges were also impeached *. A vote of the commons, in regard to the city of London, may likewise be properly introduced in this place: The city had purchased a large plantation in Ireland; and this the Court of Star-Chamber, which had no power even by usage for interfering with questions of freehold, had adjudged to be void, an act in which it had not even attended to the abstract principles of equity. The commons voted the proceeding to be a usurpation, as well as a pure act of injustice, and resolved that the city should be restored to its property †. The right of parliament in the case of tonnage and poundage, that former grand point of dispute, was now completely vindicated. A committee having been appointed to inquire into the rate of duties, and the proportion which articles would bear in such a period, after a long investigation, fixed upon certain temporary rates; and an act was passed granting the

Tonnage and poundage.

* Rush. vol. iv. p. 319, *et seq.* Clar. Hist. vol. i. p. 208. Whoever will take the trouble to compare this with Clarendon's own speech against the judges, on the 6th of July, 1641, will set a proper value upon his statement in his history on tonnage and poundage. See Diurnal Proceedings.

† Rush. vol. iv. p. 370.

duties to the crown from the 15th of May, to the 25th of July: By another, they were granted from the 15th of July, to the 10th of August; and again, from the 10th of August, to the 1st of December. But, in the preambles, the exclusive right of parliament to give such duties was fully recognized, and it was provided by a particular clause in each, that if any officers whatever, levied such duties, or any customs, except what were denominated the perpetual customs, and had been regularly paid from the time of Edward III. to that of Queen Mary, should incur the penalty of a premunire, and disability to maintain any action in a court of justice *.

The Irish army, which had been expressly raised for the subjugation of Scotland, had, upon every just principle, now become unnecessary, yet, in spite of the repeated urgent solicitations of the parliament, and even the discovery of the army-plot, it was unaccountably kept up—and various evasions of the request were resorted to. But parliament strenuously insisted upon the disbanding of that army, and, in the meantime, the commons continued their investigations of the army-plot, in which they made great discoveries:—Ashburnham, Wilmot, Sir John Berkeley, O'Neil, and others, were found to have been deeply engaged, though, to the house, they had disclaimed every thing, including even the oath of secrecy, which was then no longer

Irish army, &c.

* Journals, Nalson, vol. ii. p. 280. See Stat. 16. Car. C. 8. 19. 22.

denied by the royalist party. This complete discovery made the evil recoil upon the main conspirator, who perceived that his refusal now to disband the Irish army would probably be fraught with terrible consequences; and, therefore, reluctantly consented *. But he then intimated that he had made an arrangement chiefly with the Spanish Court for transporting the troops to the Continent. This, however, neither satisfied the parliament nor the nation. It was easy to perceive, that, under such a pretext, that army might be kept on foot till both the Scottish and English armies were disbanded, and then introduced into the bowels of the kingdom. In the army-plot, the evidence of which came more clearly out daily, they had a sufficient warning of the king's insincerity and desperate counsels, and even the actual transportation of that army did not secure them from danger; foreign states, and particularly Spain, had already been applied to for military, as well as pecuniary, aid, and it was naturally to be expected that these very troops, after being improved in discipline, and corrupted in principle, should be poured into England upon the first favourable opportunity.

King's intention to visit Scotland, &c.

Charles did not with this abandon his dark projects. He had been tampering with some of the Scottish commissioners, and corresponding with an unprincipled, violent faction in Scotland, with whose assistance he expected to re-

* Rush. vol. iv. p. 360, Nalson, vol. ii. p. 933, 465, 466. Clar. vol. i. p. 280.

cover the ground he had lost. With the view of strengthening that faction, and maturing his schemes, as well as of avoiding the direct refusal of bills, which he deemed hurtful to his prerogative, till the disbanding of the Scottish army, and the assistance of a faction, should enable him to act with greater decision, he proposed a journey to Scotland. The commons, who apprehended mischief from that quarter, as well as from his presence with the armies, (part of the Scottish commissioners had early taken the alarm, and a strange letter from the Earl of Montrose, whose ambitious designs were now generally suspected, had been discovered,) prayed his majesty to postpone his journey till the armies were disbanded, and they succeeded in gaining time; but they had agreed to his beginning it on the 10th of August; and when they then prayed him to delay it for a fortnight longer, as his presence was necessary for affairs of state and passing bills, he positively refused; yet, to remove discontent, he passed a bill against knighthood money, and another for liberty to make gunpowder and saltpetre. Sir Arthur Haslerig had brought in a bill to settle the militia by sea and land in such individuals as should be agreed upon by the legislature; and, though it was only once read, and dropt for the present, Charles had every reason to believe that it would be afterwards persisted in. As, however, so extraordinary a bill could only be justified on the ground of want of confidence in the king, he politicly anticipated the measure by granting a commission to the Earl of Essex, who had become very popular, constituting him, during his majesty's absence, general of

the forces in the south of the Trent, with power to raise troops in case of necessity*.

Disbanding of the armies.

The grand point of debate now regarded the disbanding of the armies, the question being which should be disbanded first; but it was at last prudently resolved that both should be disbanded together. This was accordingly begun on the 6th of August, and "the Scots, with store of English money, and the best entertainment, left their warm and plentiful quarters." An act of pacification was likewise passed †. The disbanding of the Irish army was begun in June.

As the king was peremptorily resolved to commence his journey by the 10th, the commons sat all Sunday to finish important business; but as this was a deviation from their principles and practice, they apologized for it to the people as an act of necessity, and declared that it should not be drawn into a precedent. They pressed much for a regency in the king's absence, but it was refused. They likewise appointed a committee to accompany his majesty, with a view of attending to the English interest in the settlement of Scottish affairs, though, in reality, that it might watch his motions. The committee were, the Earl of Bedford, Lord Howard, Sir Phil. Stapleton, Sir William Armyne, Mr. Fiennes, and Mr. Hampden.

All the vigilance of parliament proved necessary, and so perverse was the royal policy, that an attempt to debauch the troops was made even at disbanding the armies ‡.

Clar. vol. i. p. 270.

† Whitelocke, p. 47. Rush. vol. iv. p. 362, *et seq.* Nalson, vol. ii. p. 466. Clar. vol. i. p. 270.

‡ Rush. vol. iv. p. 375. Clar. vol. i. p. 290. Diurnal Occur.

After the king's absence, some matters of consequence fell under the cognizance of parliament; but nothing important was done; except that the army plots, for there appear to have been two plots, were farther successfully investigated; that some orders were issued about the public worship; and that the commons, by their orders, &c. of the 8th September, frustrated a private agreement between the king and the Spanish ambassador to engage a great part of the Irish army for Spain. The commons, having appointed a committee to watch over the public interest during the recess, adjourned, as well as the lords, on the 9th September, till the 20th of October *. Recess.

* Cob. Parl. Hist. vol. ii. p. 903. et seq. Journals.

CHAP. VII.

Secret Policy of the King—Affairs of Scotland, and Conduct of Montrose—The King's Journey to Scotland—The Incident, and settlement of Affairs there—The Irish Rebellion and Massacre—The Re-meeting of the English Parliament—General apprehensions of Plots, &c.—Return of Charles to London; his reception there—The Remonstrance—Impeachment of the Bishops, and Proceedings in regard to Episcopacy—Accusation of the Five Members—Tumults—Proceedings in regard to Ireland—King leaves London; arrives at York—Preparations for Civil War.

Secret policy of Charles.

WE have repeatedly remarked, that it was ever a fatal error of Charles and his advisers to impute the opposition which his measures encountered to a few leading men, who merely acted as organs for the expression of the general sentiments; and that, as a consequence of this erroneous opinion, he always flattered himself with the hope of removing the opposition, could he destroy or gain the individuals to whom he attributed the lamented controlment of his prerogative. If he thus allowed him-

self to be deceived in English affairs, it is not wonderful that he should have been misled in regard to Scotland—a country narrow in itself, and so aristocratic as to give a few families great ascendancy. It was from that country, however, that his illegal government had received so remarkable a check; and, though the late events in England might have taught him that the crisis there had only been hastened, not created, by the Scottish appeal to arms, he had deemed the Scottish army the grand impediment to the most desperate measures against the Parliament, and, consequently, against the whole privileges of the commonwealth. He had assiduously laboured, therefore, to gain leading men in Scotland, that, with their assistance, joined to that of certain individuals who, as incendiaries, had been reserved for judicial procedure, he might destroy the rest, when he doubted not his ability to accomplish a complete revolution which would also recover his ground in the south, particularly as he was promised from Scotland the grounds of a capital prosecution against those whom he most dreaded in England. The Scottish commissioners, however, with the exception of Rothes, whom an offer of a place in the bed-chamber, and the promise of a great marriage, had so won, that it is extremely probable, in spite of his professions to his old friends, a premature death alone rescued from the disgrace of apostacy *, had been proof against all

* Clar. vol. i. p. 280. Baillie's Let. MS. vol. ii. p. 1205. Baillie, in a letter to his wife, dated the 2d of June, which, for what reason I cannot guess, the Editor has not thought worthy of publication,

Montrose. the arts of the court *. But the King had in Montrose a fund of hope which sufficiently buoyed him up amid other disappointments. This nobleman, who had supposed himself neglected by the court, being destitute of either public or private principle, early joined the covenanters, with the indiscriminate keenness of a man who regards politics merely as a medium of self-exaltation; and his presumptuous ambition had flattered him with the hope of standing at the head of both the civil and military affairs in the approaching struggle. But the nomination of Leslie to the chief command disappointed him in the latter; while the influence and abilities of Argyle, whose conciliatory policy at the outset had probably suggested the idea of want of decision, by soon setting him at the head of the former, likewise frustrated the hopes of Montrose in that department. His presumptuous expectations being thus blasted, he embraced the first opportunity to earn the royal favour by testifying his aptitude to betray his party; and even at Dunse-Law had, it is said, proffered his services "to have given over the whole north to the enemy †.

writes that a Scotch nobleman would probably change all the court; that the king and queen begin much to affect him, and if he go on he is like to be the greatest courtier, either Scotch or English. That he would likely take a place in the bed-chamber, and might have Lady Devonshire with L.4000 Sterling, per annum. I presume that this was Rothes, for see printed letter, vol. I. p. 327. See too, Rothes's own letter to Warriston on the subject, 25th June, 1641. Hailes' Col. p. 136. Burnet's Mem. of the Ham. p. 184.

* Hailes's Col. p. 107, *et seq.* † Hailes' Let. p. 147.

Though he thenceforth still affected steadiness to his professions against the royal measures, he secretly corresponded with the court, and endeavoured to raise up a faction against Argyle that should, under the pretext of adhering to the covenant, in reality subvert it. For this purpose, he had drawn a bond, or band, as it was called, for a counter association before the expedition to England, and had procured to it the signatures of no less than nineteen peers.

On the expedition to England, the committee of estates had wisely enacted that, without the consent of three at least of their number, none should, on pain of death, hold any correspondence with the court; and as Montrose, whose motions were watched, for nothing escaped the vigilance of these men, was detected in such a correspondence, he might have instantly been proceeded against capitally: But, as the union which had been so remarkably displayed by the Scots, had, in effect, been the foundation of their strength, so it would have been imprudent and hazardous, at that critical juncture, when the confidence of success was necessary to secure it, to have given any unequivocal proof of want of faith amongst themselves, and Montrose had intimated that he was not singular in maintaining such a correspondence. The matter, therefore, upon his submission, was hushed up *; but his practices continued, till he fell on a

* Burnet's Mem. of the Hamiltons, p. 178, 9. Baillie, vol. i. p. 210.

device for affording the monarch a pretext of law to cut off, by judicial forms, not only Argyle, who was justly deemed the most formidable man in Scotland, but Rothes, whose subsequent conduct, had he lived, would have likely acquired the royal protection; and even the Marquis Hamilton himself, whose political, unprincipled dexterity was such, that, when he perceived the ascendancy of the popular party, and dreaded a prosecution as an incendiary, he had, notwithstanding all that had passed, acquired the countenance of the covenanters, a favour which, however, he partly merited for procuring the release of Loudon *. But, with that, he had lost his credit at court. To ruin these individuals, Montrose incited a gentleman of the name of Stewart to accuse them of an intention to depose Charles,—a species of charge which did not fall within the indemnity provided by the treaty; and this wicked instrument alleged against Argyle, in particular, that he had heard him say before certain men, that the opinions of lawyers and divines had been taken about the lawfulness of deposing the present king, and that, as they were agreed upon the subject, the states contemplated the measure. The allegation was unfounded, and, before Charles could leave England, the matter was investigated—when Stewart, perceiving himself clearly detected in an unfounded state-

* Burnet's Memoirs, p. 148—71. Nalson, vol. i. p. 681. Clar. vol. i. p. 152—89. Hardwicke's State Papers, vol. ii. p. 141. See the Sidney Papers regarding Hamilton, vol. ii. p. 654, 657.

ment of so atrocious a nature, confessed his crime. The statutes about leasing-making had provided a capital punishment for the offence; yet as, except in the case of Balmerino, to whose condemnation they had been so iniquitously perverted, they had never been enforced, many scruples arose regarding their validity, but at last the bench pronounced them efficient, and Stewart was sentenced to an ignominious death. It is very likely, however, that the punishment never would have been inflicted, had it not been for the pertinacious wickedness of Montrose, who privately circulated, that the confession of Stewart had been procured by the undue practices of Argyle, who had promised the convict his life, and was too sensible of the justness of the charge against himself to hazard a farther disclosure by allowing the sentence to be executed. This alarmed the whole party afresh, who saw that their own fate was involved in the accusation of their leader, and that the pardoning of the calumniator would give every advantage to Montrose. They therefore strenuously urged on the convict's fate, and he suffered the statutory punishment *.

* Baillie's MS. Let. vol. ii. p. 1208. He writes to his cousin Strang on the 16th July, 1641: "When we came to Edinburgh we found ane very evil spirit had been stirring and much prevailing both in church and state. A wicked plot, desperate, devilish, and new, to have accused, in presence of the king and parliament, Hamilton, Argyle, Rothes, of words, at least, of highest treason, and to have proven them by suborned witnesses: The grounds of this are not yet found out; yea shall hear more of it at once: but, had it succeeded, we had fallen into a woful misery, and ane bloody butchery; but God strangely discovering it, has made it evanish and turn much to our

This failure of the plot did not divert Montrose from his object. He still flattered Charles with the prospect of effectuating his purposes when witnesses should be encouraged by the royal presence to give evidence, and their adversaries be dampt *. We have already spoken of the understanding with leading men in England, upon which the Scots undertook the invasion, and one part of the present plan appears to have been to collect information on that head in Scotland, which, by being apparently lately acquired, might afford the better pretext for making a few sacrifices to the manes of Strafford at the critical moment of ascendancy in the north †, thus removing those whom the monarch most dreaded. During the late treaty, Charles had used all his influence to include in a general indemnity Traquair and others who were accused as incendiaries, but the Scottish commissioners were inflexible, and he, after resorting to many threats and entreaties, was obliged to submit to their exemption. As, however, he still considered their safety equally necessary to his honour and success in recovering his ground, he, in order to save them, intended to be present at their trials, that they might have the benefit of all the influence arising from his person-

good." See also printed copy, vol. i. p. 320. Guthrey's Mem. p. 94. Woodrow's MSS. V. lxv. N. 10. *et seq.* Advoc. Lib. Append. to late publication of Scots Acts for 1641.

* Baillie's Let. vol. i. p. 327.

† If, as we are told, Strafforde had got proofs of the correspondence between leading men in England and the Scots, the king must have been acquainted with them! Therefore his object must have been what I have represented.

al appearance; and the presumptuous promises of Montrose, whose confidence in his own resources nothing could damp, flattered him with the prospect of not appearing in vain *.

Such were the views with which the king had resolved upon a journey to Scotland; but matters had taken an unfortunate turn before his arrival. Argyle, with the Marquis Hamilton, and his brother the Earl of Lanerick, personally exasperated at the late attempt against themselves, and finding by this instance that their own existence as politicians and that of Montrose were incompatible, soon detected his secret practices, as well as discovered his plot, by means of the bond or band which had been destroyed; and, as they exerted themselves to accomplish his ruin, they had procured his committal, along with that of his confederates, who were called plotters or banders, on a charge of conspiracy against the state. In this way the royalist party appeared to be entirely defeated; the ascendancy of Argyle in parliament was unchecked; and the measures adopted by that assembly were all calculated to diminish the power of the crown. But Charles still did not despair, and the spirit of Montrose was unsubdued. Even in prison he hatched new plots; and the time consumed about the trials of the incendiaries and banders was favourable to his schemes. Having opened a fresh correspondence with his majesty through William Murray of the bed-chamber, he still insisted that evidence might be procured

* Hume's Hist.

against the Hamiltons and Argyle, but advised, as the simplest way, to cut them off by assassination, which himself "frankly undertook" to furnish the means of accomplishing. According to Clarendon, to whom we are indebted for this portion of secret history, "the king abhorred that expedient, though for his own security, advised that the proofs might be prepared for the parliament*." But as Charles did not on that account cool, far less drop his connection with Montrose, so the result of their deliberations was sufficiently atrocious, and indeed partly involved the same conclusion.

The Incident, 2d October, 1641.

The event alluded to was, from its unexpected nature, denominated *the Incident*. The individuals who undertook the part of chief actors, were the Earl of Crawford, a Colonel Stewart, a Colonel Cochrane, who commanded a regiment at Musselburgh, Lieutenant Colonel Hume, &c. The two Hamiltons and Argyle were to have been sent for in the king's name to the drawing-room, and there arrested as traitors, when they were to be delivered over to Crawford, who at the head of two or three hundred men, was to have been secretly stationed in the garden attached to the palace, and prepared to hurry them in a close carriage, which was to be in readiness at the back of the garden, to the shore, where a boat was to be in waiting to convey them to a frigate that had been stationed in Leith roads, without any other visible object. The frigate was to serve as a prison till they could be brought to trial. But

* Clarendon, vol. 4. p. 204.

Crawford and his party had also undertaken to assassinate them on the slightest resistance; and indeed it would almost appear that the alternatives of stabbing and transporting them to the king's ships were regarded with equal indifference *. Thus far matters rest upon evidence, which no unprejudiced mind can refuse credit to; but the general understanding, though not so well established, went much farther, and seems, from the whole complexion of the case, to be extremely probable: That Cochrane was to march at the head of his regiment to secure Edinburgh, and, with the assistance of friends there, make fast, or kill, if necessary; that is, if they resisted, "so many of the parliament men as were suspected might have been ready for the prisoner's relief:" that means for liberating Montrose and his fellow-

* See the Earl of Lanerick's Relation of the Incident, in Hardwicke's State Papers, vol. ii. p. 299. See the evidence in Balfour's Diurnal, MS. Adv. Lib. *The Truth of the Proceedings in Scotland concerning the Discovery of the late Conspiracy*, printed 1641. Laing's Hist. vol. i. note. But, while I conceive that this author has clearly made out the real existence of a plot, I conceive that his hypothesis about the alleged forged letter by Saville is unfounded. Burnet, as the nephew of Warriston, is entitled to notice, when he says that Warriston was pressed to give up the letter; but uncles do not always tell their young nephews every thing, and Burnet does not say that he derived his knowledge from the first authority. Again, with a knowledge of the existence of that letter, Charles must have learned that it was forged, and, consequently, must have known that the fact could be proved, so that it could injure none but Saville, who was now in favour. Mr. Laing thinks that Stewart's accusation was defeated; but that is contrary to the assertion of Montrose's party, that he had been tampered with to accuse himself unjustly, and Argyle could not be charged on another ground.

prisoners, and giving them command of the castle, were also devised; that the Kers, Humes, Johnstons, and other borderers, were instantly to take arms; and that the troops stationed at Berwick were to co-operate with them *. Such a plot promised to put Scotland within the king's power. Parliament, deprived of its leaders, and under military force, would have become an instrument in his hands, since, though the majority deserted an assembly in which the freedom of debate and vote were alike proscribed, some few would have been found to give the appearance of a constitutional meeting; the Hamiltons, Argyle, and other obnoxious individuals, if they escaped assassination, would have been convicted on subborned testimony, provided by Montrose; the monarch would have been set at the head of an army, and, in this critical moment, would have impeached leading men in England, which was clearly part of his scheme, while, under the pretext of tumults purposely raised, he would have returned to that kingdom, attended with a military force, in order to insure their condemnation, and compel the parliament to comply with his demands. Such were the designs apparently contemplated; and it is not a little singular that he had been earnestly writing to have money raised upon a large collar of rubies, which had for that purpose been sent to Holland †.

* Baillie, vol. i. p. 330, 331.

† Appendix to Evelyn's Memorials, vol. ii. Correspondence between King Charles I. and Sir Ed. Nicholas, p. 19, *et seq.*

Intelligence of this detestable plot reached the Hamiltons and Argyle on the eve of its completion. Captain Stewart, whose character had been mistaken, having been applied to as an agent by the Colonel of that name, apprised Lieutenant Colonel Hurry of the design, who immediately communicated his information to General Leslie, and he to the objects of the plot, having carried Hurry with him to tell his own story. Their inquiries at Captain Stewart, &c. having convinced them of its truth, they instantly secured their houses against surprise for the night, and next morning wrote to the king, intimating their reasons for having absented themselves from court on the preceding evening. His majesty's conduct that afternoon confirmed their and the people's worst apprehensions. He went to the parliament in his coach, followed by five or six hundred soldiers, and other attendants, "with their arms in a menacing way," "amongst whom were all those that were cited to the parliament, and likewise those that were accused by Hurry and Stewart to have been of the plot." We are not informed of the pretext on which Charles adopted this extraordinary step; but it would be difficult to figure any which could justify the measure, or satisfy any unprejudiced mind that he had not harboured some black design. The friends of the Hamiltons and Argyle might have assembled in such numbers as to have afforded them protection, and they insisted on attending them; but as this could

not have failed to give rise to tumults, and possibly to bloodshed, which would again probably have afforded the monarch a pretext for new measures against the public peace (indeed it would have been little short of a fresh commencement of hostilities) they prudently and properly retired to Kenneil, the seat of the Hamiltons' mother, at about twelve miles from town, then to Hamilton, and lastly to Glasgow, till affairs were restored to such a state as could warrant their quiet return*.

Edinburgh was in a state of the utmost alarm. The citizens kept a strong guard, and many of the well affected noblemen wisely set a watch upon their houses, while the estates were so offended, that they insisted on a very absolute commission being granted to Lesley, to guard the parliament with all the city bands, and the regiments yet on foot, together with some troops of horse. Having got his warrant, the old general lost not a moment in making the requisite arrangements, prudently including in these the precaution of dismissing all the officers of Cochrane's regiment, and appointing others whom he could better depend upon. Crawford, Cochrane, and the rest, were also apprehended†.

Charles, alleging that the whole plot was a mere fabrication, professed to detest all such base treacheries, and complaining of the injury done him by the flight of the Hamiltons and Argyle, insisted

* Lamerick's Relation. Baillie, vol. i. p. 331, 332.
† Ib. Spalding, vol. i. p. 327.

that they should be sequestered from parliament till the matter were investigated, and his innocence established by a public inquiry.

The parliament, which clearly saw the influence which the king's presence might have at such a juncture, and the probable effect of the publication of disjointed parts of the evidence, determined to follow a different course, and therefore appointed a secret committee to investigate the whole affair, and report the result. Charles threatened "to raise or leave the parliament in confusion, if they would not yield to his demand of a public trial; but herein he had a hard enough rencountre; for a very strange declaration was drawn up, and had passed the committee of barons and burroughs, which so moved his majesty and his cabin council, that without farther delay they yielded to the trial of a private committee, whereat the king should not be present, and all the members should be sworn to secrecy till the trial was ended." We have already related the facts which were then brought out *.

We shall have afterwards occasion to narrate what occurred in England about the same period, and the effects there of the Scottish *incident*; but, in the mean time, and before specifying the proceedings of the Scottish parliament, and the nature of the settlement with it, it will be necessary to give a concise account of the Irish rebellion and mas-

* Baillie, vol. i. p. 331. See Correspondence between Charles and Secretary Nicholas at this time, in the Appendix to Evelyn's Memorials. Woodrow, MSS. lxv. No. 6.

sacre which broke out in little more than three weeks after the *incident*.

Irish affairs.

As we have, in the introduction, drawn a picture of the state of Ireland at the commencement of this reign, there will be the less occasion for interrupting the narrative here with any detailed account of the posture of affairs at this period. Ireland had, during the last forty years, apparently made rapid advances; but, from the nature of things, the progress had necessarily, in spite of misgovernment, proceeded with accelerated motion in the latter portion of that time. Those immense tracts of country which had been disposed of by Elizabeth and her successor, in plantations to English and Scots, and which had, under the natives, lain almost in a state of nature, had, by judicious management on the part of the settlers, been brought into such a state of cultivation, as to yield a large return, and many of the natives who had obtained titles from the crown to lands, upon the condition of improving them according to the English manner, had made considerable improvements; towns had been built; the English jurisprudence, (or something approaching to it,) and customs, substituted through the Island for the native barbarous usages and institutions, and the whole began to wear an aspect of prosperity. The native chiefs tried to imitate the manners of their invaders; and some intercourse of society seemed to soften the mutual prejudices. There were even chiefs who preferred British to Irish tenants, and, dispossessing their countrymen, sent them to perish on their na-

tive mountains—a proceeding which, such is the selfishness of man, was approved of by the invaders as indicative of a spirit of improvement, but which necessarily embittered those sufferings that themselves were doomed in turn to feel. On the other hand, many of the new English settlers let their grounds to the natives. Some of the higher ranks too, in spite of their religion, practised at the bar, and were raised to the bench as well as admitted into parliament *.

What to the English appeared so flattering a posture of things, was viewed very differently by the Irish, whose pride and prejudices were shocked by subjection to a foreign state, and who saw themselves despoiled of their country by conquering invaders, who distributed amongst themselves those lands to which the native inhabitants conceived their claim to be undoubted, and which the loss of necessarily brought misery, if not a wretched death, to thousands. The old English settlers, or English of the Pale, whose long possession had, in a measure, obscured its origin; and whose manners had degenerated in many respects into those of the natives, might be endured; but great were the heart-burnings at the late plantations. This was aggravated by the insecurity of their tenures in regard to what they retained. No length of possession afforded a right: every flaw in the patent was fastened on to annul the legal grants †. The late Earl of Strafforde had carried his proceedings in

* Temple's History of the Rebellion.

† Carte's Life of Ormonde, vol. i. p. 20. *et seq.*

regard to property to the most unjustifiable lengths, and no man could predict where the commissions for defective titles would end. It is true, that many of the British settlers, as the Scots—had felt his power and injustice, yet the natives could not but observe that, ultimately, every proceeding of that kind would fall most severely upon themselves, whose manners were unfavourable to the projected improvements, and who had neither the same access to the English court, nor money to purchase an exemption from injustice. The height of the evil may be conceived, from the circumstance of the four counties of Connaught having lately been found by packed inquests to belong to the crown; and from extensive territories in Munster and Clare being in the same predicament.

The Irish, who had in an eminent degree the national pride, with all the feelings and prejudices of a people attached to their country, regarded the British settlers with contempt, as upstart adventurers, as well as with abhorrence as invaders; and humiliating indeed must it have been to their feelings, to perceive that the title on which they could expect intercourse with these strangers—an intercourse that was requisite for the preservation of their lands—was the adoption of their manners and language, whereby they appeared in the character of ungraceful imitators and inferiors. They could be no strangers too, to the feelings of contempt on the part of the British, who considered them as little else than barbarians, whom, if they could not reclaim, they might lawfully extirpate.

To these sources of irritation was superadded religion. The natives were Catholics of the fiercest description, both because they were ignorant, and because their religion was associated with all the other embittered feelings ever kept alive by the cunning instigations of their priests. Those, educated in Italy and Spain, returned to their native country, with all the impressions, not only of their brethren abroad and the Pope, to encourage their flocks to assert the independence of their country, by which the clergy would recover their livings, the Pope his supremacy; but even of foreign potentates, who used them to stir up dissention and embroil British affairs. The innovations of Laud, and the interest they excited, added fuel to the flame, by the anticipated prospect of a return into the Catholic church, while, by disgusting the protestants, as approximating to the Romish tenets, they kindled in them a fresh flame against the religion of the natives, and thus widened the breach.

Under such circumstances, the only chance of gradually reconciling the natives to the government, must have been founded in a conviction of the impracticability of shaking off the British yoke; for, so long as they conceived the possibility of recovering their independence and territory, it could scarcely be expected that they would not contemplate it. It had therefore been judicious policy in Elizabeth, not only never to employ them as soldiers, but, though some of her servants acted against the principle, to deny them liberty to en-

list into the service of foreigh states. James, however, conceiving that their entering into foreign service was a mean of ridding the country of part of the superfluous population, had, unfortunately, departed from that precaution *; and as regiments under their own leaders went into the Spanish service, they were prepared to return to their native country with all the advantages of military discipline, whenever it suited the interest of the house of Austria to disturb the British government. But Charles went infinitely farther. Not only did he allow such levies; but, even in despite of Strafforde's remonstrances, had granted a commission to the Earl of Antrim to raise an army of native Irish, from amongst those who had ever been prone to rebellion, to be employed against Scotland; and the new army which Strafforde himself had levied for that service—amounting to 8000 foot and 1000 horse—were all papists; a circumstance which in effect transferred the sword to that body, while the severe restrictions upon saltpetre and gunpowder disarmed the protestants †.

* Carte's Life of Ormonde, vol. i. p. 46.

† Carte tells us, that in order that the newly raised Catholic army might be under a complete controul, a thousand of the old army, amongst whom there was not a single papist, were incorporated with them: that the privates of the old army were appointed non-commissioned officers; that there was not one popish officer in the army; and that, instead of 8000, there were only 7000 newly raised foot. Unfortunately, however, for this statement, it does not appear to be vouched by a single authority—not even that of the manuscript, on which great part of his narrative rests; and it is contradicted by all other autho-

The Irish officers on foreign service had long entertained a correspondence with leading natives at home, about expelling the English, and had received encouragement to attempt it from both France and Spain. The last Earl of Tyrone, who held the rank of colonel in the Spanish service, and who naturally desired the recovery of his great possessions, was the chief in all these schemes; but his death gave affairs a new direction. Sir Phelim O'Neil, the head of the sect, was then regarded as the representative of the Tyrone family, and

rities; while the statement never was even insinuated, so far as I can learn, by the king and the royalist party, though it was so material to them. That men were drawn from the old army to train the new, in the first instance is extremely probable; but all authorities agree, that 8000 foot and 1000 horse were newly raised. Carte likewise alleges, that none of the officers joined the rebellion; but this also appeared to be unfounded. The utmost that Borlase ventures to say is, "Certain it is, that most of these soldiers thus raised, betook themselves to the rebels' party; although *very few* of their officers, (*if we may credit a late historian,*) were polluted with the crime." Borlase, p. 9. The Protestants' Answer to the Rebels' Remonstrance, in Rush. vol. iv. p. (391.) Yet Mr. Hume, without quoting any authority, for he was probably ashamed to quote Carte, whom he abuses, though he borrows from him plentifully, makes the same statement.

With regard to Charles's anxiety to raise a popish army from the wildest portion of the natives, where rebellion had been the most common. See Straf. Let. and Disp. vol. ii. p. 296-7. Strafforde says in one letter, that Antrim told him "he had upon receipt of his majesty's letter sent to the O'Haras, the O'Largans, (if I mistake not the name,) the MacGennises, the M'Guyres, the M'Mahons, the M'Donnels, (as many Oe's and Macs as would startle a whole council-board on this side to hear of,) and all his other friends, requiring them, in his majesty's name, to meet him with their forces, so as this business is now become no secret, but the common discourse both of his lordship and the whole kingdom," p. 300, Let. to Secretary Windbanke, 20th March, 1638-9. See Antrim's Propositions, p. 305. See p. 319, 92, *et seq.*

his slender abilities, though cultivated by an education in the Inns of court, did not promise great success in his undertakings; but possibly his presumptuous rashness, which did not weigh consequences, proved in the sequel no less important, perhaps more so, than higher qualities *. Still this disposition to revolt, with the incitements of a cunning priesthood, and of foreign states, might either not have burst into action, or would have been easily repressed, had it not been for the critical posture of affairs at home.

The government of Strafforde had roused general discontent equally in protestants and catholics. He offended great men by his haughtiness and illegal measures to reduce their power; while his policy was no less revolting to the low ranks, whose habits he despised, and happiness he disregarded, provided they either opposed his own selfish views or his notions of improvement; and his designs necessarily fell with most afflicting distress upon the natives, whose barbarity rendered them incapable of adopting his plans. The ecclesiastical government introduced by him at the instance of Laud, disgusted the protestants by its approach to catholicism, and thus augmented their dislike to their popish neighbours, without gaining the Romish party—whose clergy perceived themselves still hopelessly excluded from all participation in church livings. The flame raised about religion in Scot-

* Temple, p. 89, 76, 110, 121. Nalson, vol. ii. p. 543. Lord M'Guire's relation. Carte's Ormond, vol. i. p. 158.

land, and which had extended to England, with the successful vindication of their rights and establishment of their ecclesiastical government, by the first kingdom, naturally kindled a fresh desire in the Irish to assert their faith: the popish army raised against Scotland, and the royal distrust of protestants, inspired them with confidence in their own strength; while the general clamour about popery and the religion of the queen, with the avowed principles of leading men in England, together with the employment of papists, convinced them that their creed should not meet with great objections from the throne. The threat of Strafforde not to leave a Scot in Ireland was a lesson to the natives to extend the act of expulsion.

Strafforde, on his impeachment, wished the government of Ireland to be devolved upon his friend the Earl of Ormonde as his deputy, for he still held the office of lord lieutenant; but the Irish Committee resisted his nomination, and the king granted a commission to Lord Dillon, of Kilkenny west, the brother-in-law and creature of Strafforde, and to Sir William Parsons, master of the wards in Ireland, as lord justices. The first, however, was, for similar reasons, objected to by the Irish committee; and Sir John Borlace, master of the ordnance, was appointed in his stead. These were both esteemed men of great integrity, and the first was much valued for his particular knowledge of the kingdom, as well as beloved amongst the people. Those individuals entered upon office on the 9th of February, and as the Earl of Leicester, though appointed Lord

Lieutenant, never discharged the duty—they continued at the head of affairs till the rebellion broke out*. Their constitutional government, with the wise measures of the council and parliament, promised to be accompanied with lasting benefits. The various humours which had arisen from the former administration, they endeavoured, by gentle lenitives, to mollify. All proceedings against law they at once declared themselves against. The usurpation of the council in arrogating the decision of points, fit only for the cognizance of judicial courts, they repressed. They made enactments likewise against monopolies, and other grievances, while, with the royal consent, they abated the subsidies extorted by Strafforde, from L. 40,000 to L.12,000 each. But there were still two acts of far greater importance prepared in addition to these. The one, called the act of limitations, indisputably settled all estates of land in the kingdom, upon those whose right of property had not been questioned for sixty years—an act that had been denied under the administration of Strafforde, but which was absolutely requisite in the peculiar situation of things:—The other declared the relinquishment of his majesty's right, as found by inquests, to four of the counties of Connaught, together with the extensive territories in Munster, including the county of Clare; all which it had been determined on disposing of amongst British

* Sir J. Temple's Hist. of the Rebellion, p. 23 and 4. Carte's Ormond, vol. I. p. 116.

undertakers. The Romish party, too, in spite of the artful infusions from the British side of the water, that the puritans meant to insist upon all indulgence to their worship being withdrawn, were treated with great liberality. The whole complexion of affairs, therefore, indicated future good government, and great prosperity*.

The activity of the Irish promoters of rebellion had, in the extraordinary confluence of their clergy out of foreign parts, with the return of officers in the Spanish service, under the pretence of asking leave to raise soldiers for Spain, been observed by the English government, and together with some secret intimations of a projected rebellion, had induced Charles, in March, to desire Secretary Vane to warn the Lords Justices to watch the

* Temple, p. 21, *et seq.* Borlace, p. 6. Carte's Ormonde, vol. i. p. 144, *et seq.* one would think that a withdrawing of the usurped power of the council-board, to judge in all cases, real and personal, the restriction on monopolies, putting down the high commission, &c. could be liable to no objection, yet Mr. Hume, after Mr. Carte, calls these, with the restraint on martial law, and the like, which, in fact, substituted the will of the princes for the constitutional law of the land,—an invasion of every order or institution which depended on monarchy—a despoiling of the prince without the least pretext of any violence or illegality in his administration. Was not the court of high commission, which had been erected in the 11th of this reign, without any legislative authority, illegal? It was an inquisition under Elizabeth, though erected by law, and subject to the controul of the ordinary courts! Was not the usurped authority of the council illegal? Were not acts of state, and proclamations, in the place of law, illegal? They were all so, according to his account, under the Tudors. But I presume that he here uses the words violence and illegal in a sense peculiar to himself; for, if martial law do not include violence, and the various acts of Strafforde were not violent, as well as illegal, I do not know the meaning of the words.

proceedings of the natives*; but such was the profound dissimulation of that body of men, that no conspiracy could be traced†. In the mean time, the king's own conduct ministered alarm. As the lately raised popish army of 8000 foot and 1000 horse was no longer necessary for the service for which alone it had been levied, nor had become requisite for Ireland by new occurrences, it was naturally to have been expected, that not a day would have been lost in disbanding it, both for the purpose of saving money in the present exigencies of state, and preventing the soldiers from acquiring habits dangerous to the public safety. Yet the king, for reasons known to himself, as he alleged, kept it on foot; and, as we have seen, it had been one object of the army-plot to prevent its dissolution. If it were dangerous to levy a popish army against the civil and religious liberties of Britain, it was still more so to evince, in this way, that such a military force was regarded by the court as the main security of the prerogative; and the intrigues of conspirators daily increased, while the Catholic body, in general, appear to have displayed greater confidence in their own strength. In parliament they were numerous, and the lawyers there, under the pretext of vindicating the general privileges, and asserting the law in cases with the crown, began to lay down, what soon turned out to be, the most pernicious principles—as "that

* See Letter in Clarendon's State Papers, vol. i. p. 694, taken from the original draught.

† Borlace, p. 8.

being killed in rebellion, though found by matter of record, would give the king no forfeiture of estates; that though many stood up in arms in a kingdom, working all manner of destruction, yet that if they professed not to rise against the king, that it was no rebellion," and the like *.

When, from the detection of the army-plot and other circumstances, the evasions about disbanding the Irish army could no longer be listened to, Charles proposed to enter into an agreement with France and Spain for transferring the troops, with part of the English also, to their service. As, however, the first was accused at the very moment, and on good ground, of a purpose to assist the English king with military aid against his subjects, the parliament would have disregarded all the ordinary rules of policy and common sense, had they acceded to any proposal from that quarter; and it must appear strange to every reflecting mind, that the same king who, not many weeks before, had himself apprehended such danger from levying troops under the pretext of raising them for Spain, should now himself propose a measure which necessarily gave full operation to that desperate spirit which he so justly dreaded. Of the officers who had returned from foreign service, and now were active in listing the troops under the pretext of carrying them abroad, many were the most active leaders in the ensuing rebellion; and they undertook this levy with no other view than to turn the army against the government. But the Eng-

* Temple, p. 130.

lish parliament opposed this transaction, and, to a certain extent, Charles was obliged to acquiesce: the warrants to colonels were withdrawn; and it is singular that some of these colonels were the most active rebels, and had engaged in the business merely to promote the projected insurrection. Still the king granted licences to four of these colonels to engage four thousand for Spain; and it is remarkable, that even of these four, one was amongst the most forward in the rebellion, while the other three, instead of returning to the foreign service they had left, remained to join the king against the parliament. The royal object was opposed even in regard to these four thousand; but Charles alleged that he stood pledged to the Spanish ambassador, and, while some of the troops were shipt, they were artfully detained by the conspirators to join their countrymen in arms *.

The English parliament has been deeply censured for opposing the negociation with France and Spain, to transfer the Irish popish army to those countries: But as Charles had so unaccountably kept up this army, and had himself plotted with the officers of the English army to prevent its dissolution, men were justified in presuming that this might be used as a mere pretext to preserve it till the Scottish army were disbanded.

* Carte's Ormonde, vol. i. p. 183, 184, 185. Colonel R. Plunket was one of the colonels who originally obtained a licence; and there was not a more active rebel. Cart. Barry was one of the four mentioned in the text, See p. 167. Borlase, p. 9. It is singular that Carte, while he states the facts given in the text, inconsistently condemns the English parliament for opposing the transaction. Temple, p. 123.

Even the transportation of those troops afforded no security, since they might be brought back at any seasonable juncture after they had, by foreign discipline, together with the habits of war, become more calculated for the royal purposes. The intrigues with France and Spain in the preceding year, for both military and pecuniary aid, could not be unknown, and it is ever safe to conclude that what a man has been detected in he may repeat. But the objection to France becomes infinitely stronger when we consider that she was, at this moment accused, on apparently just grounds, of a design to send forces into England to co-operate with the king against the parliament. The dangers from Spain were likewise imminent; and it should not be forgotten that she had always been deemed a hostile power; that the late revolt of Portugal from her had been regarded by the British as an auspicious event; and that she was condemned at this very moment for concurring with the other branches of the house of Austria in withholding the palatinate from the English king's nephew, in whose behalf Charles was at the time applying to the parliament, having sent with their approbation a threatening manifesto to the diet at Ratisbon. Surely, therefore, as at the best any supply of military must have enabled Spain to carry through her designs, which equally involved the recovery of Portugal and the detention of the Palatinate, it would have been the most inconsistent policy to have accommodated her, though no dark measures from the cabinet at home had been apprehended.

In addition to this, it may be observed, that, in the event of hostilities between the respective kingdoms, Spain could give the utmost annoyance to the British empire by pouring into Ireland a body of men whose acquaintance with every creek and haven, and correspondence with their discontented countrymen at home, encouraged by their clergy, rendered them incalculably the most dangerous of all invading enemies *.

Independently of all these obvious motives, it is evident that foreign service was just a seminary for Irishmen to accomplish themselves for rebellion; and that part of the mass of this army must at some period or other have returned upon their country. On the other hand, the army had not been so long embodied, though much longer than any colour could be given for, but that they might be restored to the mass of society, and the approach of harvest promised them employment in the first instance †. But the most conclusive argument for the dissolution of that army, is the actual fact, that the officers who pretended to engage the troops for foreign service, undertook the business with the view of detaining them in the country to act in the projected rebellion.

The popish army was in a great measure disbanded in June, and completely by August,

* See Journals, 8th September, 1644. Diurnal Occurrences, p. 357. Speech on the 20th August. King's Manifesto, with speeches relative to the parliament. Id. p. 369, et seq. Cons. Parl. Hist. p. 850, et seq.

† Rudyard's Speech, &c.

when the arms were piled up in Dublin castle *: But it was imagined that the castle might be surprised, and the troops re-armed, as well as plentifully supplied with ammunition, while arms would farther be procured for several thousands more. No plan could have been better laid. The Protestant army, which was always necessarily kept on foot, scarcely exceeded 3000, and were distributed in small bodies through various and remote parts of the island. The officers of the nine thousand of the disbanded troops were equally disaffected with the men, and therefore an organized army, that more than trebled the protestant army, which again was too much scattered to have been of essential service, would at once have been in arms independently of the irregular thousands that were to be summoned into action, and were to surprise the other forts on the same day with the capture of Dublin Castle; while the British forces must be again embodied, a work

* Carte, in his Life of Ormonde, vol. i. p. 134. that the army was all dissolved by the middle of June: But he gives no authority for the statement at the foot of the page: there are, however, letters from Ormonde to Vane, and from Vane to Ormonde, published by him in the third volume, which import that the disbanding had been effected in June; but I suspect that a part only had then been disbanded, and arrangements made for the rest, and that the matter had on that account, been considered as done; for the idea of the complete dissolution of the army in June is contradicted not only by other authorities, (see Borlase, p. 10.) but by the nature of things, since it was the September that the Commons of England passed votes against allowing them to be sent to Spain—a clear proof that though disarmed, they were still kept together. See Correspondence between Charles I. and Secretary Nicholas, p. 1. *et seq.*

of time, in order to be sent against them. But the season was well selected on another ground. The Irish Exchequer was empty, and the money levied by the collectors was, at the breaking out of the rebellion, in their hands ready to be paid in, while the rents throughout the kingdom were now in the hands of the tenants, to be paid at the approaching term, whence the rebels flattered themselves with the hope of making the whole their own, which would abundantly supply them with the means of supporting the war in the outset. But they also expected assistance from Spain, the Pope, and even France; and the Irish officers in foreign service concerted to return with as many of their men as possible, together with arms for more, on the commencement of the insurrection. On the other hand, they were sufficiently aware of the defenceless state of the protestant part of the community, owing to the policy of Strafforde in regard to gun-powder.*

Roger Moore.

One of the most active conspirators was Roger Moore, a man of narrow fortune, but high-descent, and who valued himself exceedingly on his birth, attributing with justice the smallness of the family inheritance to the English invasion. He is said to have united many advantages of person, to high talents and consummate address; to have entered upon the undertaking rather with the generous ambition of vindicating what he conceived to be the liberties of his country, than

* Temple, p. 101.

with views of self-aggrandisement; and never to have once contemplated the detestable enormities that stained the cause. It is said that when he beheld so woful a tragedy, which he found it impossible to check, his spirit sank under it. He, from his station in life, acted in a subordinate capacity to Sir Phelim O'Neil, but from his talents, enterprise, and address, he was virtually the main-spring of the conspiracy; and it was he who first undertook to bring over the old English of the pale *.

Of the committee from the Irish parliament, the majority were papists, and it is alleged that they were amongst the most active promoters of rebellion. But it can scarcely be credited, that while the king and queen were caballing with officers of the British army, in regard to the Irish army, and with Montrose, &c. as evinced in the army-plot, the incident, &c. should entirely neglect the Irish commissioners, and accordingly they are both accused, on strong presumptions, of having intrigued also with them. The violence with which this question has been viewed on both sides, has arisen from the execrable massacre which ensued; but though we were to assume that he incited some of the conspirators to attempt their pre-conceived scheme of an insurrection, it by no means follows that he contemplated the horrid massacre which accompanied it. In order to estimate the presumptions for and against the idea

Whether the king encouraged the insurrection?

* Carte's Ormonde, vol. i. p. 156.

of his being accessory to the insurrection, it is necessary to have a correct view of the real posture of affairs at the juncture, as well as of the royal intentions as to the sacrifice in regard to power which had been already made in Scotland, and which was ready to be demanded of him in England. The grand points on which he formally split with the English parliament, and ever refused accommodation, were the abolishment of episcopacy, and the surrender of his power over the militia by sea and land. The first had been early aimed at by the parliament; but, before there was any motion towards the latter, there had been two successive plots for turning the English army against the two houses, independently of the intrigues with Montrose's faction in Scotland. The result of these was the bill by Hazlerig, to vest in the two houses the power over the militia by sea and land, as well as the appointments to civil offices; and the late bill, in favour of Essex, was really an advance towards that object. Hazlerig's bill had been only once read; but the object was not, on that account, abandoned; and the late concessions in Scotland of the same kind encouraged the English to persist in their purpose. The Scots had a pretext for their demand, as to the militia and civil offices, and Charles an excuse for granting it, in the residence of their sovereign in a foreign country, and the probability of his being misled by those foreign counsels regarding the interests of Scotland, as well as in the ancient practice of his native country: in respect also to the presbyterian

system of church government, they could plead the established law of that kingdom. But, while he knew how to avail himself of this apology for making concessions to the Scots, which he was determined not to grant to the English, he, in the Incident, afforded a melancholy proof of his purpose to take the first opportunity to retract his concessions, and overwhelm, by military force, as well as by stratagem against their leaders, the great body of the people who had the spirit to demand them: The treachery of the Incident, too, was the more odious, from the profound dissimulation with which the monarch had conducted himself. It had just been remarked by a courtier, that Henderson, the presbyterian pastor, had become a greater favourite than ever Canterbury was, and was never from him night or day *.

In these plots, as well as in his anxious endeavour to keep up the lately raised Irish army, and his last attempt to debauch the English troops, we have the most incontestable evidence of his intention to crush the parliaments of both kingdoms by force; and therefore a conclusive answer to Mr. Hume's argument against his being concerned in the Irish insurrection—founded on his not having intended to make war upon the parliament. Besides, it will not be forgotten that he had now the very same motive for hostilities that he ever had afterwards—and which, in spite of his most solemn protestations to the contrary, accompanied with

* Carte's Original Letters, vol. i. p. 14; date 25th September. The letter is addressed to the Earl of Ormonde.

appeals to heaven for his sincerity, led to many intrigues for the introduction of foreign troops, as well as secret treaties with those very Irish for an army, after they were stained with every enormity, and consequently must have been expected to act over again in Britain the scenes of inexpressibly brutal cruelty which had been displayed in Ireland. Now that, amid all the late plots and intrigues, the Irish committee, of whom the majority were Catholics, and became eminent in the rebellion, should never have been applied to, is inconceivable; and the presumption arising out of the nature of things is confirmed by testimony *. But, in order to understand this subject, it is necessary to attend to the progress of events, and to ascertain what were the views of the popish members of the Irish committee, who were from the old English of the Pale.

It will be remembered that the committee came over to assist in the prosecution of Strafforde, whose trial began on the 22d of March, and for whose life neither Charles nor himself was then apprehensive. The committee, as they had every reason, pursued him keenly; and indeed matters had arrived at that crisis, that their safety, and his return to Ireland as lieutenant, were incompatible. It was the interest of Strafforde, and the purpose of his master, to preserve the Irish army for future services in England, and the plot with the English

* Rush. vol. v. p. 816, *et seq.* Scott's Sommers' Tracts, vol. v. p. 573, *et seq.* Antrim's Information in Appendix to Clarendon's History of the Irish Rebellion.

army, with hopes from France, promised to restore the powers with which Charles was resolved not to part without a struggle. At this time, however, the native Irish, unknown, as it would appear, to the old English of the pale, were secretly concerting an insurrection for the purpose of expelling the invaders. Strafforde had formerly got notice of their motions, and had adopted precautions to quell them *. The late resort of old soldiers and priests out of foreign parts awakened afresh the suspicion of the English government, which doubtless had been previously excited by the lieutenant; and in the posture of things, at that time, nothing could be more baneful to the interest of the monarch and his devoted minister than a rebellion. Whether the Irish popish army joined the insurgents, which it most probably would, or were employed against them, or were disbanded, or sent out of the country, as would have been insisted on for the common security, if it did not join the insurgents, it would have been in all these cases lost to the crown, whose distresses would have been augmented: the English army would have, in all probability, been dispatched to Ireland; and then the Scots, who would not have moved, would have been masters of England in conjunction with the parliament, while the latter would have been enabled to insist on the power over the English army being devolved upon them. Hence, as well as it must be presumed, from better motives,

* Carte's Ormonde, vol. i. p. 155.

Charles directed secretary Vane, on the 16th of March, that is, before the commencement of Strafforde's trial, to warn the lords justices of the danger. But the aspect of affairs was afterwards completely changed, and the policy of Charles changed with it. As it had been deemed by such a favourite minister as Strafforde a grand stroke of policy to have four of the counties of Connaught and other territory found by inquests for the crown, we may well conclude that his master would not easily be brought to relinquish an object which had been with such difficulty gained * : and in this conclusion we are farther warranted by what occurred in regard to the city of London's plantation. By an iniquitous decree of the Star Chamber, that had been adjudged to be forfeited to the crown, and the resentment of the city, which Charles ought to have conciliated, was deep: Yet, when the commons had voted the decree null, Charles eagerly wrote to his secretary from Scotland to raise a party in the upper house, to prevent a similar vote there †. But his policy towards the Irish was so very opposite,

* Straf. Let. and Disp. vol. ii. p. 366. Rush. vol. v. p. 318.

† App. to Evelyn's Memoirs. Correspondence between King Charles I. and Secretary Nicholas. The Secretary writes thus, on the 28th of August, "The sentence whereby Londonderry was adjudged forfeited to your majesty, is by the House of Commons declared null, and that land thought fit to be restored backe to the citty of London." Charles returned the letter with his rewards and directions, called in the language of statesmen *apostiles*—and this is the apostile on the above paragraph. "You must command my learned counsell, in my name, that they doe what they may, that the same vote passe not the higher house," p. 12. Yet his anxiety to gain the city appears by the same correspondence. See p. 13.

that he assured their committee that he would at once renounce his right to those counties and other territory, confirm defective titles, &c.; (concessions called the graces, which their parliament had been so anxious to attain;) and there is reason to believe that his anxiety about Londonderry arose from his intention to bestow the land upon that people. On the other hand, the popish party in the Irish parliament, whose views were no doubt represented to the throne, were eager for keeping up the late army, and now began to use language hostile to the puritan party in England, with whom they had previously co-operated against the prerogative, while they aimed at conclusions which induced the protestant party, with the lords justices, to resolve upon an adjournment.

The insurrection had been originally conceived by the native Irish; but there are both presumptions and direct evidence, that the lords of the Pale, (particularly Lord Gormanstown, who had been one of the committee, who is said to have had secrect interviews with the queen, and was afterwards a leading man in the rebellion,) were made privy to the design in the course of the summer, and the commissioners, who returned in August, are alleged to have fomented the spirit of insurrection *. But the views of the latter appear

* See Borlace, p. 13. No one who, without prejudice, peruses the whole evidence, including the original correspondence published by Carte himself, and attends to all facts, can doubt this, in spite of the arrogant assertions of Carte, who talks as confidently as if he had been personally acquainted with every movement.

to have been more moderate than those of the first; and it is not only probable that the idea of exterminating the late settlers never was hinted to the latter, but that the latter hoped to have acquired the direction of their more ferocious associates. Indeed, Roger Moore, who is represented as having been so active in drawing in the lords and gentry of the Pale, was himself utterly shocked at the barbarities which ensued. The demands of the Irish Catholics, as they were afterwards fully expressed, were that in addition to the graces already alluded to, they should have the complete independence of their parliament from that of England conceded to them, and that their parliaments should be allowed to elect agents, with power to remove them, who were to attend his majesty continually as a body authorised to represent the national grievances; that they should have a free trade, and the establishment of their religion, which implied that the ecclesiastical livings should be devolved upon their own clergy, and all the degrading disqualifications under which their party laboured, be annulled; that all the civil and military offices should be confined to their countrymen; and that they should have a right to keep up trained bands for their own security. Whatever might be alleged by the protestants against these concessions, there does not appear in them any great ground of objection; and it was well pleaded by the Irish, the bulk of whom were papists, that they were fully as much entitled to them as the Scots to the concessions in their fa-

vour *. Had Charles merely intended to yield to such demands, in order to conciliate that people, the impartial voice of history at this distance of time could not condemn him. And it is rather singular that, while his introduction of the Irish into Britain afterwards, though their attrocities had become so revolting—should have been approved of by certain historians, his concessions in regard to religion should have been, in the face of the clearest evidence, strenuously denied. The object has been to represent him as a martyr for the church of England; but we have seen that, in the outset of his life, he wished to acknowledge the spiritual supremacy of the Pope; that his whole religious government was founded on a love of civil power, and tended to Catholicism; that the romanists were ever favoured, while the presbyterians and puritans were persecuted; that though he conceived the measures of the Scots to establish their own ecclesiastical system, which it is beyond all doubt he abhorred infinitely more than the popish, a sufficient reason for destroying them with fire and sword, yet that he latterly yielded to their demands as necessary for the peace of that country; while he conceived the demand of the same concession by the English, a justifiable ground for hostilities and refusing all accommodation even when his affairs were desperate. Where then was the inconsistency in granting to the Irish their own mode of worship, though he disapproved of it—in

* Borlace, p. 46.

the same way that he had yielded to the Scots? That he ultimately did agree to it, as a return for proffered military service, &c. is established by complete evidence; and here we may remark, that the same historians who deny his knowledge of the Irish insurrection, also deny the army-plots, the incident, the transactions of Glamorgan, &c. though they rest upon evidence which cannot be rebutted.

Having shewn what it was that the Irish avowedly demanded of the crown, it may now be proper to shew what could be expected of them, and what they promised. They alleged that the puritan party in England deprived the king of his just prerogative, and trampled upon the privileges of the neighbouring isle; and, even after they had failed in their main object of seizing the castle of Dublin, they promised that, when they had established their power in Ireland, they would send an army to assist the monarch in recovering his power in England *. But matters bore a far more promising aspect at the outset. Had their attempt against Dublin Castle, and with it the capital itself, been successful, the lately disbanded army would have at once been reorganized, and other troops speedily raised, when Ireland would inevitably have been their own. The other forts were likewise to have been attacked at the same time, indeed many fell into the insurgents' hands, and had the scheme against the capital succeeded, none of the other

* See Temple, &c.

forts could have stood. Then the parliament, which had been adjourned, would have assembled; and as the protestant members would have been frightened away, the roman party would, if sanctioned by the throne, have carried every thing, and possibly ordered what they afterwards called for, a free parliament, in other words, one composed of their own party, since they were infinitely the most numerous, and the protestants durst not have contested an election with them. New taxes would have been levied; arms imported, and such an army organised as might have bid fair to render the monarch independent in Britain; while it is likely that the attrocities would have been greatly prevented. Nor is it unworthy of remark, that he had promised a visit to his Irish subjects *. It is likely enough that all this would have proved abortive, as the British, now that the veil was so odiously laid aside, would, with the exception of the popish party, have united as one man; but as Charles seems ever to have conceived, that with an army his power would be irresistible, so all his measures tended to that object; and it must be confessed, that, of all his schemes, this was unquestionably the most feasible. If, too, he attempted so much without that help; if he even at last, when the execrable cruelties of the Irish shocked every British subject, relied confidently on subduing the parliament with an army from them, we need not

* See second letter from Sir Patrick Wemyss to the Earl of Ormonde. Carte's Let.

wonder at his policy here. If this were the most feasible, it was, perhaps, according to the anticipated result, the most blameless of all his attempts at arbitrary power, and is particularly innocent when contrasted with his measures in about eighteen or nineteen months afterwards in regard to Scotland. Before the Scots had entertained any idea of the Solemn League and Covenant, while Charles was protesting that he would preserve their privileges inviolate, before the cessation of hostilities with the Irish, he concerted with the Earl of Antrim to carry over a body of the Irish rebels to overwhelm that kingdom, in an unsuspecting moment of security.

Had the first plot succeeded, the atrocities that followed would, in all probability, have never occurred. A regular army, instead of an undisciplined rabble, whom their leaders, including the clergy, found it requisite to stimulate to direful cruelty, would have been under the control of a vigorous government; and the fears which gave rise to all their horrid deeds could never have existed. Sir Phelim O'Neil goaded his tumultuary army to every act of abomination, that, having lost all hope of mercy, they might not desert him; and it is but charitable to attribute the ferocious instigations of the clergy to the same cause. No sooner did the pale join the rebellion, than the cruelties were lessened; whence we may conclude, that, had matters succeeded at first, they never would have disgraced human nature.

According to Antrim, whose declaration appears to have been strangely overlooked *, even the Earl of Ormonde, as well as himself, was applied to, for the purpose of securing Dublin Castle, re-arming

* See "The Information of the Marquis of Antrim," in the Append. to Clarendon's History of the rebellion and civil wars in Ireland. It was taken in 1650. Antrim said that he knew nothing of the commission alleged to have been granted by the king; "but that the late king, before the said rising of the Irish in Ireland, sent one Thomas Bourk, kinsman to the Earl of Clanrickarde, to the Lord of Ormonde, and to him the Lord of Antrim, with a message, that it was the king's pleasure and command, that those eight thousand men, raised by the Earl of Strafforde in Ireland, should be continued without disbanding, and that they should be made up twenty thousand, and that they should be armed out of the store of Dublin, and employed against the parliament; and particularly that the Castle of Dublin should be surprised and secured." "That the letters of arcdence, by the late king to Thomas Bourk before mentioned, were in substance as followeth: 'Thomas Bourk, you are to repair to Ormonde and Antrim in Ireland, who are to give credit to what you are to say to them from us, C. R.'" Antrim proceeds to state that he and Ormonde attempted, by correspondence through third parties, to have a meeting, which, however, did not then take place, owing to their fear of being suspected: that Ormonde advised, that as the army was already disbanded, one of them two should repair to the king to receive his instructions; that himself, being a stranger at court, could not go to England without suspicion; but that Antrim might. Antrim says that he declined to go without Ormonde, but by the pressing solicitation of Coll. John Barry, (this was one of the colonels who was to carry a regiment out of Ireland, and whose loyalty is vaunted of by Carte, because he afterwards joined the royal army in England,) he sent a Captain Digby, constable of the castle of Dunluce, in the north of Ireland, belonging to his lordship—who saw the king at York, and that instructions were received from his majesty, that all possible endeavours should be used for getting again together those eight thousand men so disbanded; and that an army should immediately be raised in Ireland, that should declare for him against the parliament in England, and do what was therein necessary and convenient for the service"—that he (Antrim) spoke to Lord Germanstown, and others of the pale, but that, owing to the folly of part of the con-

the popish army, of which Ormonde had been commander, and raising more troops; but the wild Irish had begun to act too soon. It was Charles's misfortune to be ever engaged in various plots at

spirators, the rising took place before matters were fully ripe: that the plan was to seize the castle of Dublin, while the parliament, which should declare for the king, was sitting, and that the Lords Justices and others should be secured, &c.

Now it will be proper to make a few remarks upon the objections to Antrim's statement. "That it cannot be true, but either Antrim deceived the world, or Bourk imposed upon him; for besides that Ormond and Antrim were unfit to be joined in a commission, as well because there never was any good understanding between them, as also because they were of different religions and interests; how much more obvious and easy, less scandalous, and more effectual, would it have been for the king to have made Ormond Lord Deputy, than to order him to surprise the castle and the Lords Justices."—Now, with regard to the first objection, it is easily answered, 1st, Antrim had, as we have seen, been intrusted before, and Strafforde, Ormonde's patron, had been ordered to assist his schemes; 2dly, The following letter, by the king, dated 12th March, 1643-4, after affairs had become less reconcileable betwixt these two, puts matters beyond all doubt. "Ormond, *I have received such an account of Antrim and O'Neile's negociations with the Irish*, as gives me an expectation, that, with your help and co-operation, they may do me very eminent good service. I have commanded Digby to inform you exactly of all particulars: *only one thing I thought necessary earnestly to give you in charge myself—which is, that you will unite yourself in a strict and entire correspondence with Antrim, and contribute all your power to further him in those services which he hath undertaken; for I find that almost that whole kingdom is so much divided betwixt your two interests, that if you join in the ways, as well as in the end, for my service, you will meet with small difficulties there; which I no way doubt, being thus recommended by your assured friend Charles.*"—Oxford, 12th March, 1643. App. to Carte's Ormonde, vol. ii. p. 4.

The other objection is equally futile: Charles wished to appoint Ormonde deputy, and was prevented by the parliament. No secret commission could be issued in England, for, 1st, If the plot failed, the royal cause was ruined; 2dly, Charles had left the capital on his way to Scotland, and could not grant it then; and, 3dly, as the

the same time, which, though all tending to the same object, had different degrees of guilt, according to his discernment of the disposition of the parties. Thus Hyde, afterwards Lord Clarendon,

Scottish army was not disbanded before his departure, he durst not do it sooner, nay, the keeper of the seal durst not have passed it; 4thly, A commission under the great seal of Scotland, which Charles had access to, would have been disregarded as of no validity in Ireland by the Lords Justices, who were in the parliament's interest.

The next objection is, that there were only twelve thousand stand of arms in Dublin Castle, and therefore not enough to arm 20,000 men; but, 1st, It is not to be supposed that Charles knew exactly how many arms Strafforde had procured, and he might be deceived by that minister; 2dly, It was the interest of the king to magnify his resources, and arms could soon have been procured *by the money raised on the large collar of rubies for instance.* The other forts too would have supplied a number; and the protestant army, if it declined to join, could have been disarmed. The third objection is, that matters then tended to an accommodation with the parliament, which is directly contrary to all facts, as their measures were such as Charles was prepared at all hazards to resist; and the incident proves it.

The third objection is, that Charles knew the troops would be disbanded, which proves little; 4thly, The letter from Charles on the 31st October, to Ormonde, to suppress the rebellion is produced; and lastly, a letter dated Windsor, February 8th, 1642, in favour of Bourk, which it is said is the original one alluded to by Antrim, is founded on. But the last letter to Ormonde does away the effect of the first to him, by shewing that secret instructions were sent to him not quite in unison with the public instructions. The letter is this: "Ormonde, being well satisfied of the fidelity of this bearer, Mr. Bourk, I have thought fit not only to recommend him to you, *but also to tell you that I have commanded him to impart to you what I have not time to write, which I think will much conduce to the reducing of the rebels, which I know none desires more than yourself,* and so I rest." Now, 1st, This letter proves that secret negociations were going on, though Charles pretended to have devolved the conduct of the business on the parliament. 2dly, It never could be the one alluded to by Antrim, and it does not even appear, that this was the same Bourk. 3dly, Does it follow that, because one letter was given a so-

and the other ministers whom the king affected to trust with all his counsels, never received a hint of some of the Irish transactions: "I must tell you," says Hyde in a letter to Secretary Nicholas, rela-

cond should not? One commission to raise the Irish was granted to Antrim in May 1643, and another without reference to the former, in January 1644. Compare a letter of the 26th January, 1642, by Charles, to the Scottish Chancellor, with this, which Bourk carried to Ormonde. Burnet's Lives of the Hamiltons, p. 189.

Antrim's Intrigues with the Irish rebels, the pope's nuncio, &c. so enraged Ormonde, that he insisted that he should not, on the restoration, have the benefit of the act of settlement. Antrim however justified all he had done by letters, commissions, &c. from the late king, and a special letter, grounded on this, was written by Charles II. and passed the seal in 1663, ordering the commissioners under the act of settlement, who were sworn judges, to acquit him. Now, it is said, that Antrim did not join the rebellion for two years, and that he rendered good service by assisting Montrose. But his own story proves that he was engaged at the outset. He was made a prisoner as a rebel to the Scottish Major-general Monro, in April 1642, and sent to Dublin, where he broke prison. See Carte's Ormonde, vol. ii. p. 310. See also Clarendon's account of all this matter in his Life, vol. ii. p. 127, *et seq.* His Lordship admits (and it is singular, that though he apologizes for the letter by Charles, he had opposed Antrim's petition for the royal interposition in his favour. See Burnet's History of his Own Times, vol. i.) that Antrim was engaged with the rebels at the outset. See also what Clarendon says in his History, vol. iv. p. 607. See the Parliament's declaration of 26th July, 1643, that is some time before the expiration of the two years in which the treason of Antrim, &c. are talked of as indisputable. See also Borlace, p. 199, App. p. 128; Scott's Somers's Tracts, vol. v. p. 618, 625. In this, therefore, Mr Hume, who merely takes up the unwarranted assertions of Carte, is clearly mistaken. Antrim's consequence chiefly arose from his having married the dowager Duchess of Buckingham, who was likewise heiress of the house of Rutland. Clarendon, vol. iv. p. 606. In May 1643, before a single step had been taken towards the solemn league and covenant, and before the Irish cessation, he carried a commission to negociate with the Irish rebels for the invasion of Scotland, and was caught a second time. (This shall be proved.) In January following, he carried another commission to raise an army, and was empowered

tive to his history, " that I care not how little I say in that business of Ireland, since those strange powers and instructions to your favourite Glamorgan, which appear to me so inexcusable to justice, piety, and prudence. And I fear there is very much in that transaction of Ireland, *both before and since* *, that you and I were never thought wise enough to be advised with in. Oh, Mr. Secretary, those stratagems have given me more sad hours than all the misfortunes in war which have befallen the king, and look like the effects of God's anger towards us †." In another letter he says that he is satisfied even Digby was uninformed of the commissions to Glamorgan ‡.—Though Ormonde was then his ostensibly confidential servant, and believed himself to be entirely trusted, he was never apprised of the powers and instructions given to Glamorgan, or yet of various intrigues with Antrim. It is not unlikely therefore that, while Ormonde was engaged to a certain extent, negociations which involved deeper consequences, were going on at the same time with the lords and gentry of the Pale, as well as with the native Irish. The rebels ever declared that they acted by the royal authority, in opposition to the Puritan party, whose measures were no less hurtful to the prero-

to offer Monro an Earldom, and £2000, per annum, and more, if he would bring his army to the king. See the commission in Clar. State Papers, vol. ii. p. 165, 166.

* Why does Mr. Laing omit these words in quoting this passage? See note to his Hist. No. XI.

† Clar. State Papers, vol. ii. p. 337.

‡ 346.

gative then baneful to them; and they even produced as genuine a commission under the great seal of Scotland to justify their rebellion. That commission has generally by later writers been pronounced a forgery by the leading rebels, to delude their countrymen, and its authenticity is doubtful; but, it must be confessed, that there are certain coincidences and facts relative to it, that still require explanation; that certain objections to the copy which has been preserved, in not having been the same in substance with that produced by the rebels, —though conceived to be insurmountable, do not bear examination; and that the accounts given of the manner by which they procured the seal affixed to it are altogether unsatisfactory *.

* The commission, with instructions, was supposed to have been carried to Ireland by Lord Dillon of Costelough, who, when the Irish committee left the king in August, accompanied his majesty, by the queen's orders, to Scotland, and was remarked at court to be an uncommon favourite. He left the king about the beginning of October, and carried letters to be sworn in a privy councillor of Ireland. Now, the commission is dated on the 1st of October, while the incident occurred on the eleventh, and there is a particular clause in favour of the Scots, whom it was imagined the incident would, as a people, have put under the royal management against all their former measures.—See letter from Sir Patrick Wemyss to the Earl of Ormonde about Dillon, &c. and which appears, by comparing the matter contained in it, with the Scottish parliamentary records and acts lately published, to have been written between the first and the eighth of the month of October, while the postscript shews that it was carried by Dillon. Dillon afterwards avowed himself a papist, and soon became active for the confederated Irish. Rush. vol. v. p. 349, 350.

Another remarkable coincidence regards the Scottish great seal, which, prior to the 2d of October 1641, had been "for three yeirs bygane," to use the language of the Scots acts. (see late publication of Scot acts, vol. v. p. *et seq.* for 30th of September, and 1st and and

We now return to the narrative. The day fixed upon for the insurrection, and particularly for

Irish Rebellion breaks out 23d Oct. 1643.

2d of October, and Append. p. 676, *et seq.*) in the possession of the Marquis Hamilton, and his under-keeper, John Hamilton, advocate; but which, on the appointment of Lowdon as chancellor, with the approbation of the states on the 1st of October, was ordered to be produced in Parliament, by the Marquis and his under keeper, on the following day, that it might be delivered by the king in parliament, with all formality to the newly appointed chancellor. This was accordingly done, and an act of exoneration which had been previously prepared in favour of the Marquis and his under-keeper, was passed that very day. (Ibid.) Now the supple character of the Marquis is well known, and the under-keeper was likewise a keen royalist, and indeed the other's creature. Though, therefore, it may be inferred, from the incident, that they knew nothing of any intention to grant a commission to the Irish, it does not follow that the seal, which was not confided to the Marquis, as chancellor or regular keeper, was at all times at the king's service. Indeed, it might easily be required, or might be given up as a test of loyalty without suspicion of any foul purpose, either on his or his under-keeper's part; and it was alleged to have been occasionally in the possession of Endymion Porter, one of the king's attendants, who had formerly accompanied him to Spain. Mysterie of Iniquity, Ed. 1643, p. 37-8.

Now, it is remarkable, that Burnet, in his lives of the Hamiltons, (and he was at that time a keen royalist,) though he takes notice of this passage in the above pamphlet, and denies the charge about the commission, says nothing about the seal's having been occasionally in the custody of Porter. See p. 250. and compare it with Carte's pretended reference to this work for his statement, in his life of Ormonde, vol. i. p. 180. See also Charles's own offer, in his answer to the declaration of no more addresses, Works, Ed. 1662, p. 289, to prove by witnesses, that the Scottish seal had not, for many months previous to the date of the alleged commission, sealed any thing, without mentioning the only witnesses who could have possibly been admitted. The fact is, that both the marquis and the under-keeper soon engaged for the king, and that the act of exoneration closed both their mouths, since without renouncing the benefit of it, they could not allege that they had not faithfully kept the seal—the ground on which it was granted. Now, if there were a coinci-

seizing Dublin Castle, was the 23d of October. To prevent alarm, two hundred men only were

dence between the date of the alleged commission, the departure of Dillon and others; for "presently after the date of this commission," it is said, "Butler and divers other Irish commanders, of which the court was then full, were" (as well as Dillon,) "dispatched for Ireland with his majesty's licence," (Mysterie of Iniquity, ib.) if, I say, there were a coincidence between these and the incident, surely there was a greater between the date of commission and the delivery of the great seal to Lowdon, when it was put beyond the king's reach. Parliament then met early in the morning, and Friday the 1st of October was consequently the last day on which Charles could command the seal.

But it is said that no true copy of the pretended commission was ever produced—that in Milton and Rushworth being an evident fabrication, as it relates to events which did not happen till some months afterwards. Now, it will be curious, if this shall turn out to be a perfect mistake. The commission states, that for the preservation of his person, the king had been enforced to make his abode for a long time in Scotland, in consequence of the disobedient and obstinate carriage of the English parliament, which had not only presumed to take upon them the government, and disposing of those princely prerogatives that had descended to him from his predecessors; but had also possessed themselves of the whole strength of the kingdom, in appointing governors, commanders, and officers, in all parts and places therein, at their own will and pleasure, whereby he was deprived of his sovereignty, and left naked without defence: That being sensible that these storms which blew aloft were very likely to be carried by the vehemency of the puritan party into Ireland, and endanger his royal power there, he authorized them to assemble with all the speed and diligence which a business of such consequence required, and determine upon settling and effecting the great work mentioned, and directed in his letters, and for that purpose to use all politic ways and means possible to possess themselves of all the forts, castles, and places of strength and defence in that kingdom, excepting those belonging to the Scots, and also to seize upon all the goods, estates, and persons of the English protestants, but to spare the Scots.

This commission is said, in regard to the question about the power of the militia, to relate to events which did not occur for some months

selected to make the attack; and the market day was chosen, that, in the usual multitude assembled on that occasion, the conspirators might not attract attention. Small as this number was for

afterwards; but Mr. Hume, who in this follows Rapin, had not much studied this subject, otherwise he never could have made such a statement. For, so early as the 10th of May, 1641, the very day on which the bill was passed for continuing the parliament, a report was made in the lower house, "from a committee that was appointed to prepare heads for a conference," (with the lords,) "that one have power to command in chief on this side of the Trent, and such power to choose officers as the now general hath; and to bring a list of their names to the king and both houses of parliament." Journals for 10th May. Again, in the ten propositions to be presented to the king before his going to Scotland, there was one, that his majesty might be petitioned to remove evil counsellors, and commit the business and affairs of the kingdom to such counsellors and officers as the parliament may have cause to confide in; another regarded lords, lieutenants, and their deputies, and there is one expressed thus: "That the cinque ports and other ports of the kingdom may be put into good hands, and a list of those who govern them may be presented to the parliament, and that those persons may be altered upon reason, and that especial care be taken for reparation and provision of the forts." Nalson, vol. ii. p. 311. 313. In addition to this, we may remind the reader of Hazlerig's bill; all which it is the more astonishing that Mr. Hume should have overlooked, since Mr. Carte, from whom he borrows so liberally, has distinctly stated it. See his Hist. vol. iv. p. 366. But the commons were not content with all this, for they actually interfered with the forts, &c. as may be seen by the Journals for the 14th, 21st, and 28th of August. What had occurred in Scotland prior to the date of the commission confirmed their purposes. A late publication of original correspondence shews, that Charles was appraised by Secretary Nicholas of the intention of the English parliament, to make the concessions in Scotland a precedent for themselves. Nicholas's letters were sent back *apostyled* in the margin: and therefore we shall present them in the original form. On the 28th of August, he writes from Westminster "All things are like to be now very still here, every man's expectac'on being fixed upon yor matie, and the Parliament's proceedings there, &c." On the 24th September he writes from Thorpe.

making the attack, it was calculated to be sufficient in the first instance; and it was imagined that, by turning the great guns upon the town,

"It is so, and lykes me well."

"I lyke your proposition, and shall gett as much as I may, however, I thank you for your advertisement."

"I pray God, it be to good purpose, and that there be no knavery in it."

"I command you to send, in my name, to all those lords that my wyfe shall tell you of, that they fayle not to attend at the house sitting of the Parliament."

"This inclosed from my Lo. Keeper was brought to me last night to be conveyed to yor matie, and will I hope give yor matie an account of yor last letr to his lohp. *Yor matie may be pleased to procure from yt p'liament there some further reiterac'on of their declarac'on, that what yor matie hath consented unto concerning ye election of officers there may not be drawne into example to yor maties preiudice here, for, if I am not misinformed, there wilbe some attempt to procure the like act here concerning officers before ye act of tonnage and poundage wilbe passed to yor matie for lief.*"

"I heare that ye comittee of ye commons hath appointed to take into consideruc'on yor maties revenue ye next weeke, and that they will then set at least twice a weeke. I am unwilling to give yor matie in yor great affairs there too long an interruption with the tedious lynes of

Yor Sacred Maties, &c."

App. to Evelyn's Mems. p. 24.

On the 27th of September, Nicholas writes from Thorpe that the Parliament had, by its unusual proceedings, begun to lose the reverence it had before the adjournment; and then proceeds thus,

"I heare there are diverse meetings att Chelsey att the Lord Mandeville's house and elsewhere, by Pym and others, to consult what is best to be donne at their next meeting in P'liamt; and I believe they will, in ye first place, fall on some plausible thing that may redintegrate them in ye people's good opinion, wch is their anchor hold and only interest; and (if I am not much misinformed) that wilbe either upon papists, *or upon some act for expunging of officers and counsellors here, according to yt Scottish p'cedent, or on both together, and therefore it will import yor matie, by some serious and faithfull advise, to doe something to anticipate or prevent them before their next meeting.*"

"It were not amiss that some of my servants met likewise to countermynd ther plots, to w'ch end speake with my wyfe, and receave her directions."

N. B.—The apostyles to this letter are dated the 2d October. Id. p. 23.

On the 29th of September, Nicholas writes from Westminster, and the following is one passage.

"It is not Loudon yet."

"By letrs to partic'lar persons, (which I have seene) dated 28°, 7bre, it is advertised from Edenb, that yor Maty hath nominated

it might be kept in check till the troops on ship-board were landed and armed; through their assistance again it was not doubted that

ye Lord Lodian to be chancellor. Whatsoever the newes that is come hither amongst ye partie of ye protesters, they are observed to be here of late very iocund and cheerfull, and it is conceaved to arise from some advertisements out of Scotland, from whose accons and successes they intend, (as I heare) to take a patterne for their proceedings here att their meeting." "*I believe before all be done, that they will not have such great cause of joy.*"

This was apostyled on the 5th of October, but his majesty mentions that he had that day also received one dated the 1st. Id. p. 28.

Other letters from Nicholas, dated the 3d and 5th of October, are, if possible, stronger: But it cannot be supposed that he was, besides the queen, the only correspondent of Charles who gave advertisements of what occurred in England; and as he evinced great anxiety about concealing his letters, lest they should be the occasion of his ruin, we may conclude that the king had still more explicit, or at least, more alarming intelligence from other quarters. The result therefore is, that from this, coupled with Hamilton's bill and other proceedings, and, above all, what had just occurred in Scotland, by the advice of the English committee, Charles was bound to infer that the object of parliament would now be to wrest the appointment of officers, &c. from him; and, as he was advised to anticipate the measures of parliament, it is not in the slightest degree extraordinary, that, if he issued a commission to the Irish at all, he should assume as done what had already been determined on by the parliament; and this will appear the less strange, if we consider, that in his "instructions to Colonel Cochrane, to be pursued in his negociations with the king of Denmark," he says, that the parliament had endeavoured to lay a great blemish, upon that prince's family, "endeavouring to illegitimate all derived from his sister" (Charles's mother) "at once to cut off the interest and pretensions of the whole race, &c." Indeed, the more one studies this period, the more he discovers that no important proposition ever came upon either party unexpectedly, as one would infer from ordinary histories. The objection, therefore, to the copy of the alleged commission is futile, and there does not appear to be a shadow of ground for presuming, that what is preserved is not an exact transcript of that published by the rebels a few days after the insurrection. Indeed I do not think that an imposition on that head was possible. See Rush.

matters could be kept secure till all the late army were reorganized, and additional men embodied.

vol. iv. p. 400. Though there be nothing in the matter to prove that it was subsequently fabricated, yet there is matter enough to shew that it was above the capacity of Sir P. O'Neil to forge the document.

We shall now consider the account given of the seal affixed. Clarendon says that it was an *English* seal, torn from some patent; but his statement is in direct opposition to all authority, and indeed cannot possibly be correct, because the commission was dated from Edinburgh, and said to be under the great seal of Scotland; and had an English seal been affixed, all who knew what a seal was, to whom O'Neil shewed it, and to whom alone it was necessary, would have detected the forgery. Hist. of Irish Rebellion. By other accounts, (Borlace, p. 29. Life of Charles, prefixed to the edition of his works, published by authority in 1662, p. 30.) the seal was said to have been taken by one Plunket from an obsolete patent in Farnham Abbey; but the most notable account is that given under the hand and seal of Dr. Ker, dean of Armagh, at the desire of Lord Viscount Lanesborough, *on the 28th of February*, 1681. According to this statement, Sir Phelim O'Neil, at his trial, was questioned about the commission; but he denied that he ever had one; and being reminded of that he shewed, he acknowledged that he had forged it upon seizing the castle of Charlemont, and that he had ordered Mr. Harrison, then in court, and another gentleman, to cut off the broad seal from a patent found there, and affix it to the forged commission; and that Harrison, in the face of the whole court, confessed the fact, and stated how he had accomplished it. The same reverend Doctor further certifies, that he heard Sir Phelim on the scaffold declare that he had been repeatedly offered his life by L. General Ludlow, if he would accuse the late king, but that he would not, to save himself, be guilty of such a crime —a crime which he had continued to commit down to that period, by never publishing this story before! Nalson, vol. ii. p. 528, *et seq.* But the story carries its own refutation with it; for is it within the compass of possibility that such facts, acted in the face of day, before a crowded court and a large assemblage, should slumber so for about thirty years: that however useful for the vindication of the royal martyr, they never were whispered till then? Where was this reverend Doctor's loyalty when the family stood more in need of his interposition? How were the regicides left so long unstained with such a charge, when every press in Europe teemed with productions against them? The worthy dean wished to be a bishop; and he probably flattered himself that a pious fraud was laudable in such a cause. Similar frauds

A simultaneous attack was to be made on the

were innumerable; but the effrontery of this dean, considering the account published by authority—an account said to be attested by the confession of many—surpassed that even of his cotemporaries. Carte, who never hesitates at an assertion, after correcting Clarendon, in regard to the seal, stating that it was the Scottish, not the English, (Life of Ormonde, vol. i. p. 180) takes up this story as indisputable, and circumstantially adds this to it—"that the very patent from which the great seal was torn, and which contained a grant of some lands in the county of Tyrone, was, about five or six years ago," (that is, previous to the publication of the Life of Ormonde, which took place in 1736) "upon a suit of law, in relation to those lands, produced at the assizes of Tyrone by the late Lord Charlemont, having on it evident marks of the seal's being torn from it, and an indorsement proving the fact; and was allowed by the judge as a proper evidence to prove his lordship's right to the land in question." Id. p. 182. One would imagine that no author could have had the hardihood to make such a statement, without the most perfect assurance of its truth; yet such is the fact. Leland, who espouses the same side on this subject, and adopts the statement, says in a note to his History of Ireland, that his dear and honoured friend, the then Earl of Charlemont, assured him he had no patent answering the description, vol. iii. p. 121. Now, it is impossible that such a patent, within so short a period, should have been lost, and the earl know nothing of the matter. But what puts the fact beyond all doubt is, that the great seal of Scotland could not, in the nature of things, be affixed to an Irish patent, the island being a dependency of England only, and not of Scotland, so that a patent under the Scottish seal would have been altogether invalid. Then why should either James or Charles, neither of whom was scarcely ever in Scotland after the union of the crowns, dream of attempting to pass such grants, as Kings of that country? The best proof that they never attempted it is, that no account handed down to us authorizes the belief; and the English would not silently have submitted to such a violation of their exclusive right. Clarendon saw this objection, and therefore made it the English seal; while others, with a different account from the dean of Armagh, say nothing about that fact. The story then recoils upon the inventor; and we have still to be informed how a Scottish seal came into the possession of Sir Phelim O'Neil,—nay, how it could be in Ireland without the concurrence of some person in Scotland for an evil purpose?

The other objections by Mr. Hume, have elsewhere been mostly

other forts, by other bodies of conspirators; and

answered; and the pretended dying confession of O'Neil is one. Hume, Carte, and others, who so strenuously deny Charles' participation in this affair, also, in the face of the clearest evidence, deny the army-plots, the incident, the commissions to Glamorgan, &c. But his commissions to the last, which he disclaimed, as well as the petition signed C. R., afford a strong presumption against him in this instance. Indeed, it has been well observed that he never very pointedly denied the commission. The case of the marquis of Antrim too is very strong, if not conclusive, as to his being concerned; and from all circumstances, we may safely presume that even though Lord Costlelough did not carry the commission, he did instructions. The lately published correspondence between Charles and Secretary Nicholas, corroborates the other proofs. Though anxious to please the city of London, he was keen about the plantation of Londonderry, while he conceded every thing to the Irish. The following is an apostyle of the 16th September. "I command you to draw up anie such warrant as my wife shall direct you, for the disposing of the great collar of rubies that is in Holland, and tell her how I have directed you to wait her commands in this; and that I am confident of your secrecie in this, and anie thing else that I shall trust you with. C. R." App. to Evelyn's Mem. p. 19. see again p. 23. Nicholas answers thus: "Yesterday Sir Job Harby and I attended the Queene about yor. collar of rubies, vpon wh^ch. he saith *there is alreddy 25mo.*," &c. His Majesty *apostyles* his wonder, &c. at this. See also p. 32. These are dated prior to the incident, and therefore may be supposed to apply to them; but see again p. 39. Apostyle, 29. 8^bris. See again, 29. 8^bris. p. 40. The merchants had declined, through fear of parliament I presume, to engage the collar. P. 39.

It appears also from the same source, that Charles had some secret ground of confidence in his own resources. See p. 28, already quoted. See an apostyle to a passage in a letter, dated 3d October, and apostyled the 9th, regarding a report about Argyle's being made chancellor, which was incorrect. "You may see by this," says Charles, "that all ther desyres hit not, and I hope *before all be done*, that they shall miss of more." p. 29. See farther on the same page about elections to offices. See again, p. 30. See also, other letters about episcopacy, &c. On the 6th of November, this apostyle occurs, "when ye deliver this inclosed to my wyfe, desyre her not to open it but when she is alone." p. 41. The English protestants in Ireland were almost all puritans, and had offended Charles by petitioning for the abrogation of episcopacy. Rawdon papers, p. 28. The Earl of Essex told Bishop

the insurgents in Ulster were to move towards the capital for arms *.

It has been frequently remarked, that barbarous nations are generally characterised by an extraordinary capacity for dissimulation, so that the widest, as well as the deepest laid schemes are frequently conceived by them without the slightest indication of their purpose; and the present case affords a striking proof of the justness of the observation. Though the conspiracy was so widely spread, scarcely one of the number engaged betrayed the design, or gave an unnecessary hint of the plot; and it was only on the evening of the 22d that any thing like precise information was first communicated to the government. Sir William Cole had, on the 11th, dispatched a letter from Enniskillin, to the Lords Justices, in which he stated that he had observed a great resort of several suspected persons, fit instruments of mischief, to Sir Phelim O'Neil's, in the county of

Burnett, "that he had taken all the pains he could to inquire into the original of the Irish massacre, but could not see reason to believe the king was accessary to it; but he did believe that the queen did hearken to the propositions made by the Irish, who undertook to take the government of Ireland into their own hands, which they thought they could perform, and then they promised to assist the king against the hot spirits of Westminster. With this the insurrection began, and all the Irish believed the queen encouraged it." Hist. of his own Times, vol. i. p. 41. I cannot distinguish between the king and the queen, considering their dark correspondence and joint plots; and late discoveries of original letters, in regard to the transactions of Glamorgan, have thrown much light on Charles' character since Burnett's time. See Birch's Inquiry. Neal, vol. ii. p. 608. *et seqq.* Harris's Charles I.

* Temple, p. 93, 121. *et seq.* M'Guire's Relation in Nalson, vol. ii.

Tyrone, and also to Lord M'Guire's, in the county of Fermanagh; and that Lord M'Guire had made several journeys of late within the Pale and other places, and spent much of his time in writing letters and sending dispatches *; but this intelligence was so dark, that the lords justices did not imagine themselves warranted in proceeding farther upon it, than to require him to be very vigilant and industrious to discover the cause of those meetings, and inform them immediately. Indeed it has been well remarked, that, had they upon such grounds laid M'Guire and O'Neil fast, the rebels would have asserted with some colour that they had been driven to arms by the causeless suspicion of the government. It afterwards appeared that Sir William Cole was successful in obtaining information from some of the conspirators; but his letters had either miscarried or were intercepted †.

Discovery of the conspiracy made to the Lords Justices on the evening of the 22d of October, by O'Conally, with the seizure of conspirators, &c.

It was reserved for one Owen O'Conally, who had formerly been in the service of Sir John Clotworthy, but had fixed his residence in the county of Londonderry, to make the disclosure on the evening of the 22d, which saved Dublin, and truly first alarmed the executive. He was a gentleman of pure Irish extraction, but had been brought up in the Protestant faith, and had lived much with the English. One of the conspirators, Colonel Hugh Oge M'Mahon, wishing to draw him,

* See the letter in the third volume of Carte's Ormonde, p. 35.
† Temple, p. 32. Borlace, p. 19.

as a native, into the conspiracy, wrote to him to meet him in Connaught, in the county of Monaghen, about business of importance. Thither the other went: but on his arrival found that M'Mahon had gone to Dublin, and he followed him to the capital. There they met on the 22d, and M'Mahon, after what he deemed proper precautions, revealed the design; but O'Conally protested against it, using every argument to divert him from his purpose, and induce them to disclose the conspiracy to the executive. This, as it did not prevail on M'Mahon to abandon his object, necessarily alarmed him; and, for his own safety, he resolved to detain O'Conally for the night, while he also threw out a threat of murdering him if he attempted to escape or turn informer. O'Conally resolved to disengage himself, yet aware that he could only succeed by stratagem, drank deep, and then, affecting to have occasion to retire, left his sword with M'Mahon as a pledge for his return. Not satisfied with this, M'Mahon desired his servant to accompany his guest; but O'Conally having leapt a paling, got safely off, and went directly to the Lord Justice Parsons, with the dreadful intelligence. Partly, however, owing to what he had drunk, partly, as he afterwards said, to the horror produced by the disclosure which had just been made to him, his narration of the design against the castle, &c. was so broken and confused, that his lordship gave it little credit; and dismissed him with orders to rejoin M'Mahon, in order to discover as much more of the plot as possible, and

return with his information. But the lord justice, though he almost entirely disbelieved the story, did not so despise it as to neglect the precautions necessary for the common safety. He issued strict commands to the constable of the castle to place strong guards upon its gates, and to the mayor and sheriffs to set watches in all parts of the town, and arrest all strangers, while he himself went straight to the residence of Lord Justice Borlace, a little way out of town, to consult with him and others of the council, upon the intimated danger. In the mean time an accident had nearly deprived them of O'Conally's testimony, now that he had recovered his recollection; for the watch had seized him, and was carrying him to prison, when one of Lord Borlace's servants who had been sent to walk the streets, and particularly to attend O'Conally's motions, came critically to his rescue, and conducted him to his master's house. Having now recovered from the effects of fear and intoxication, he gave a distinct account of all the particulars which he had learned from M'Mahon.

The Lords Justices sat up all night in deep consultation, and being joined next morning with more of the council, they ordered the apprehension of M'Mahon, whose lodgings had, in the interim, been strictly watched. He and his comrades at first attempted resistance with drawn swords; but finding it useless they surrendered themselves prisoners. Put to the rack, a proceeding at all times indefensible, yet more excusable now than

almost on any other occasion, M'Mahon confessed the whole design, withal informing them that though the capital had been saved, the other fortified places, &c. could not; and that, if he should fall, his fate would at least be revenged. Lord M'Guire, with about thirty more, was afterwards seized; but Roger Moore, Colonel Plunket, Birne, and several others, who had undertaken the chief part of the business, escaped. Along with these prompt proceedings, the executive adopted other salutary measures to preserve the city, and the peace of the neighbourhood *.

The insurrection in Ulster, &c.

Thus was Dublin rescued from the impending danger, and the fortunate discovery, with the measures pursued by the government, so awed a large portion of the conspirators, that a considerable time elapsed before they openly appeared in rebellion. But, in Ulster, the insurrection began under Sir Phelim O'Neil on the appointed day, and in a short time he found himself at the head of about thirty thousand men. The English had, in their treatment of the natives, set an example of cruelty, of which barbarians, who had so many ills to avenge, were like to make a terrible use: But it is most probable that, had the plot been successful against Dublin Castle, the bulk of the enormities afterwards committed would have been prevented. Instead of a disorderly, infuriated, barbarous rabble, goaded on by a blood-thirsty cowardly leader, and by their clergy, whose fears

* Temple, p. 39. et seq. Borlase, p. 20.

rendered them remorseless, an organized army, under intelligent officers, would have commanded the country. At the outset, even Sir Phelim proceeded with some moderation: The English were, indeed, despoiled of their possessions and moveables, but their persons were safe. It was when the news arrived of the detection of the conspiracy and the safety of Dublin, together with its consequences on the great body of the conspirators, that, having become desperate, from fear of being left alone a victim to public justice, while his pride dilated with the number of his irregular army, and his hopes were flushed with success, —he and his clergy, tormented, on the one hand, with the dread of being deserted, and fully persuaded, on the other, of their power to bear down all opposition if the troops did not desert them, instigated them to every act of wanton cruelty, that, excluded from every prospect of mercy, they might place all their hope in despair. Then, began the direful work of slaughter, horror, desolation. Then every evil passion got vent; and religion, which ought to have softened their hearts, encouraged their savage ferocity. The English, men, women, and children, stript of their clothes, and driven from their houses, in an unusually inclement season, without food, perished in vast numbers, in bogs, morasses, or on hills, to which they fled to escape a yet more horrid death. Hundreds were pricked forward with spears to rivers and drowned in the stream. Vindictive fury acquired additional rage by gratification: Be-

tween the two classes of men few or no sympathies existed; and the new settlers were at last destined to feel in its utmost bitterness the effects of the system which had been pursued by them. Inventive cruelty was then put to the rack; many were burned in their houses; some were dragged by ropes through woods, bogs, and ditches, till they expired; some hung on tenter hooks; some slashed and cut, to inflict the utmost torture without proving immediately mortal. The helpless innocence of infants did not protect them. Women great with child, were tormented till they parted with the burthens of their wombs, (which were given to dogs and swine,) and then destroyed with an indecency equal to the inhumanity. The bellies of many were likewise ript open, and the children similarly disposed of. Some wretches were prevailed upon, by a promise of life, to be the executioners of their dearest friends and kindred; and when they had incurred this tremendous guilt, through a pusilanimous fear of death, they were, with satanic triumph, butchered upon their murdered relations. Others, tempted by the same promise of safety to disown their faith, and conform to the Romish rites, were then coolly told, that as they were now prepared for heaven, it would be charity to send them thither instantly, lest they should relapse, and they were forthwith dispatched. Others—but enough of this disgusting picture. Many of the cruelties were perpetrated to extort a confession of concealed goods or money; but savage vengeance and fear were the

prime instigators. The brute creation did not escape the indiscriminate fury of worse than brutes in human form: Cattle were houghed and mangled, because they had belonged to Protestants, though it was now the interest of the victors to secure what had fallen into their hands. Never was more dismally displayed the terrible effects of bigotry: The complaints and shrieks of dying wretches, instead of mollifying their enemies, only drew from them an exulting yell, that their present sufferings were but the beginning of eternal torments *.

Had the Protestants, leaving their separate dwellings, collected for mutual defence, they might have at least arrested the torrent till succour had been sent, or dearly sold their lives; but so unexpected was the event, that each, imagining the danger only at his own door, tried to save his goods, and their families individually fell an easy prey to the insurgents. Irish proprietors delivered their tenants into the hands of their enemies. Irish tenants destroyed their landlords. In his own family, a master often found that his servants were prepared to sacrifice himself, his wife, and children; or to invite their countrymen to the deed of horror. Besides, the insurgents early surprised several forts and places of strength, which gave them the command of great part of the coun-

* See Temple, p. 216, *et seq.*; and Borlase, p. 154, 158, and 296. Scott's Sixteen Tracts, vol. v. p. 473, *et seq.* Rush. vol. iv. p. 401, *et seq.* Burnet's Life of Bedel, Bishop of Kilmore.

try *. The Scots, who were spared in the first instance, saved themselves afterwards, in a great measure, though they still suffered much, by defending themselves in bodies.

Thus raged the rebellion in Ulster; but several counties in Leinster soon declared themselves, and the danger threatened the capital, both from the north and south. The other provinces soon also declared themselves, and the Pale itself openly joined the rebellion in the beginning of December. The atrocities fell short of these acted by the followers of Sir Phelim O'Neil; but they were every where dreadful. Insurrection in Leinster, &c.

From all quarters were seen multitudes flying towards Dublin, as to the only place of refuge; and as they daily arrived there in vast numbers, never did town exhibit a more disgusting spectacle. Many persons of good rank and quality, exhausted with suffering, and without any other covering than a little twisted straw to hide their nakedness, hourly poured in: reverend ministers, and others, who had escaped with their lives, appeared all wounded; wives deplored their husbands butchered before their faces; mothers their children; while infants again that had been carried off from the savage murderers, were ready to perish in their helpless mothers' bosoms. Many, overcome with long travel and want of food, came crawling on their knees; others, stiffened with cold, scarcely retained existence. Some, again,

* Temple, p. 67. *et seq.* Ire.

overwhelmed with grief, and distracted with their losses, were utterly bereft of their senses. In every street wretches wandered like ghosts: and so completely were many subdued by their misfortunes, that they could not make the necessary exertion to put on the clothes which the humanity of the government and the citizens had furnished to them; others again would not bestir themselves for the food which had been provided for them, but miserably perished in filth, and covered with loathsome rags, when help was at hand. The church-yards were soon filled, and other ground was necessarily set apart for the bodies of the sufferers. The churches, as well as every barn, were crowded with the miserable survivors.

Then the city was all distraction; every hour teeming with some new report, and each new stranger spreading terror by an account of his sufferings, and by painting the danger under the impression of his own fears. The English inhabitants therefore imagined that all the evils which had been felt elsewhere, were already arrived at their gates. There were no fortifications about the suburbs; none, even about the city, but a ruinous wall, part of which had fallen down. The inhabitants of the suburbs crowded into the town; the higher classes into the castle: while many chose rather to quit the kingdom with great pecuniary loss, and other disadvantages, than remain in that distracted city. Even those who had embarked, and were detained in harbour, preferred all the

privations of shipboard to returning to the town. The most stormy weather did not intimidate men from encountering one danger in their eagerness to avoid another. The very Scottish fishermen who had proffered their services, partook to such a degree in the general alarm, as to put to sea, and not re-appear upon the coast that year *.

Number of Protestants murdered.

It is quite hopeless to arrive at any thing like an exact estimate of the number of protestants who perished in the first year of this deplorable rebellion. The passions, feelings, and even interests of the parliamentary party particularly, led them to exaggerate the massacre; those of the Catholics, (though some of their writers boasted at the time of the murder of about 200,000 protestants,) to deny the enormities, and diminish the number who fell victims to the fury of the insurgents. The high-church faction have so far espoused the cause of the rebels, as to support their statements, and there have been writers hardy enough to assert, that scarcely four thousand were sacrificed. If the general statements handed down to us are little to be relied upon, hypothetical calculations founded on the proportion born by the protestant part of the population to that of the Catholic, and again on that of the number massacred to that which escaped, are not more so; since every one must know how impossible it is, in a case of this kind, where there was no census to guide one, to fix upon the proper ratio, and what effect an apparently small error in that has on the result. That the ac-

* Temple, p. 100, *et seq.*

counts transmitted to us by protestants of 150,000 having perished in the province of Ulster alone, are greatly exaggerated, may safely be affirmed; but the disposition of later times has been to fall short of the truth: For Clarendon was not likely to represent matters in the worst light for the Catholics, and his intimacy with Ormonde afforded him excellent opportunities of knowledge, yet, in his grand history, he informs us, that "about forty or fifty thousand of the English protestants were murdered before they suspected themselves to be in any danger, or could provide for their defence by drawing themselves into towns or strong houses;" and in his account of the Irish rebellion, written when Ormonde and he were with Charles II. together at Cologne, his language, though he does not specify any number, would lead us to infer that it was much greater; for he there says that an *incredible number* were destroyed *.

Conduct of the Lords Justices.

Though the evidence of M'Mahon, with other suspicious circumstances, attached guilt to the old English of the Pale, and consequently justified the executive in presuming that their expressions of loyalty and abhorrence of the insurrection, with their eager desire to quell it, were the offspring of cunning and of disappointment in the projected attempt on Dublin Castle, yet the Lords Justices and Council, calling to mind their loyalty in former rebellions, and anxious to fix them in their duty, treated them as above suspicion, and

* Clar. Hist. vol. ii. p. 290. Hist. of the Irish Rebellion, p. 11, 12. Carte's Life of Ormonde, vol. i. p. 177. Warwick, p. 199, &c.

therefore granted commissions to the leading lords to preserve the public peace, and even issued amongst them seventeen hundred stand of arms. But the danger of this liberal policy soon manifested itself, and through the vigilance of the government, nine hundred and fifty stand of the arms were fortunately recovered before the Pale joined the rebellion.

The Lords Justices and the Council had formerly prorogued the parliament in consequence of the dangerous spirit that began to shew itself*; and they afterwards propounded reasons to the English council—reasons which were approved of, for farther proroguеing it till February†. Their reasons were now become more cogent; for, besides that the spirit of disaffection was augmented, the capital was, in most men's opinion, still in the most imminent hazard, and the meeting of the legislature would necessarily have afforded a pretext for an unusual resort of Catholics who might then have effectuated the purpose which was only suspended till a fit opportunity presented itself. The former intention was therefore resumed, but the leading papists who had not yet appeared in arms, and affected the greatest anxiety to suppress the rebellion, so strenuously urged for an opportunity in a legislative form to testify their loyalty, that their wish was acceded to, and the parliament met on the 16th of November. Their language then, however, indicated feelings so very opposite to

* Id. p. 273.

† Temple, p. 29. Append. to Evelyn's Memorials. Correspondence between Charles I. and Nicholas, p. 36. This is a singular fact. But Charles himself sanctioned the measure

those which they had previously pretended, (they would not even call the insurgents rebels, but discontented gentlemen,) that the executive prudently prorogued the parliament without delay, but only till the 11th of January *.

The lords justices immediately on the breaking out of the rebellion, sent dispatches to the English parliament, announcing the event, and calling for aid, while they also sent O'Conally thither, that he might personally communicate the alarming intelligence. Dispatches were likewise sent from them and other hands to the king in Scotland; and we shall now return to our account of transactions there. But, in passing, we may observe, that new forces were raised by the executive in Ireland, and armed from the stores in Dublin castle; and that arms were likewise distributed to protestants who were likely to use them †.

* Temple, p. 244. *et seq.* Borlace, p. 32, *et seq.* Carte's Ormond, vol. i. p. 321. *et seq.*

† These lords justices were puritans, that is, they favoured the ecclesiastical proceedings in England, and therefore, it is not surprising that they should have been abused without mercy, and have had every detestable motive imputed to them by such a writer as Carte, whose statements have yet been too closely followed by Hume—a circumstance the more extraordinary, since the same Mr. Hume pronounces him "an author of great industry and learning, but full of prejudices, and of no penetration:" But we shall expose a little the inconsistencies and absurdities of that author, in his life of Ormonde. He panegyrizes the unconstitutional government of Strafford, and violently censures the lords justices for governing strictly by law, and encouraging the abolition of arbitrary courts, and yet he accuses these very justices of purposely driving men to despair and rebellion by their tyrannical courses: In the same breath, he accuses them of preventing foreign levies, and allowing them; alleging that the officers em-

So early as the 28th of October, Charles received several dispatches from the north of Ireland; and one of them from Belfast, by Lord Chiches-

The king informs the Scottish Parliament of the rebellion; its measures in consequence, &c.

ployed were the most dangerous instruments of conspiracy; and yet these were the very officers whose licences by Charles they objected to! In this way he violently condemns the opposition to the levying of forces for Spain; yet in another place as keenly condemns the lords justices for permitting any motions by the officers from abroad towards it; forgetting that he had ever condemned them for opposing the licences granted by Charles to officers returned from foreign service, who were afterwards the most active in rebellion. He charges them with the most criminal negligence in not detecting the conspiracy, or rather villany in conniving at it, that they might have a ground for forfeitures—because "they had repeated advertisements sent to them of the danger, and express orders to provide against it; yet neglected both. "The king," continues he, "received accounts from his ministers in Spain, and other foreign courts, of *an unspeakable number* of Irish churchmen going thence to their own county, and of several good old officers doing the same, under pretence of asking leave to raise men for the king of Spain, and that the design was to raise a rebellion." Yet this same author, in the same paragraph, informs us, that "the design of an insurrection was confined to the old Irish, and not communicated to *above half a score of them* till the very moment of execution. The chiefs depending upon the strong disposition of their vassals to follow their lords in all actions whatever, and on the mortal hatred which the Irish in general, and the gentlemen in particular who had been dispossessed of their estates by the plantation, bore to the English nation and government." (vol. i. p. 165 and 6.) One would thence infer, perhaps, that the design was formed solely by the churchmen and officers from abroad. Yet this author, in a preceding paragraph, assigns as a reason why Colonel Plunket's account of having had interviews during the summer with the Irish committee, must be unfounded—that the Colonel had been so long abroad, "that he was very ill qualified to propose any thing regarding it, and had been then entirely ignorant of the conspiracy." This is abundantly absurd. I believe that a great many were intrusted with the design; but that, from the motives stated above, the secret was admirably kept. Carte's principal reason for disregarding evidence against the lords and gentry of the Pale, is, that they were chiefly under the influence of lawyers, "a set of men who, though the most active of any for redress of grievances in a parliamentary way, are yet always averse to war in which their profes-

ter, he laid before the Scottish Parliament, while he sent an express with the intelligence to the English Parliament, which had now assembled.

sion is of little use." But he forgets that the Scots, whose opposition to Charles' arbitrary measures he pronounces the blackest rebellion, had acted entirely under the direction of lawyers; and that the same class were amongst the most forward in England afterwards. He paints the extreme danger of Dublin for a considerable time after the commencement of the rebellion, yet mercilessly condemns the Lords justices for keeping there so many troops—troops deemed by most insufficient for the defence of the capital, so that the withdrawing of them might have been attended with its ruin, p. 194, 195. By the way, the advice of Ormonde to draw out the troops appears strange. When Sir Charles Coot went with 600 men to Tredagh or Drogheda, after a defeat of the English forces, Sir John Temple tells us, that "had the rebels drawn all the forces which they had on both sides the Boyne, for the siege of Tredagh, and marched directly to Dublin, they would have found so strong a party there, that they could not have failed of success," p. 267. Carte says, that had the Pale been concerned at first, Dublin must have fallen; but every one knows the effect of a discovery in such a case,—that all confidence amongst the conspirators being dissolved, their motions are paralyzed.

The tendency of all his writings is to run down parliamentary powers. Yet forsooth the Irish parliament ought to have met at this crisis, for the Roman senate ever sat in the hour of danger. This really proves the extent of his want of judgment. If the Irish parliament had fairly represented the community, it necessarily must have encouraged the rebellion, for the bulk of the people favoured it, in order to shake off the English yoke, and establish their own religion. The parliament was only tolerated by the English under certain conditions, and the question was, whether the popish party should obtain the ascendency in the legislature; and have an opportunity of bringing their adherents to the capital? Had the protestant portion of the inhabitants preponderated as much as the Catholic, the parliament might have been most usefully employed at such a juncture.

The inhabitants of the Pale are said to have been driven into rebellion, because, not having been allowed arms, and having been prohibited latterly from taking refuge in the capital, they could not oppose the native Irish, and therefore were constrained to join them. There was a proclamation judiciously issued, ordering all strangers, who

Lord Chichester stated, that two nights before, certain Irish septs, of good quality in the north,

had no pretext for resorting to the capital, to depart; but the Lords of the Pale were, with others of the nobility, summoned to the capital, to be consulted with on the posture of affairs; and they refused to obey the summons, alleging that they were afraid of a massacre. Temple, p. 312. The information which led to the defeat of the government forces at Gellistown Bridge—a defeat which raised the hopes of the Irish to the utmost height—was given by Lord Gormanstown's groom, with his lordship's knowledge, (Temple, p. 264; Borlace, p. 36.); and yet this very nobleman was treacherously pretending to direct the English commander in his intended attack upon the rebels. Carte's Ormond, p. 241. It is ever the pretext of men, that they were forced into illegal courses. But if it had been well founded here, the Pale would not have so eagerly adopted the principles of the natives, and carried them to such lengths. At first 1700 stand of arms were distributed amongst them, and commissions against the rebels granted to them: Yet even then their conduct was to the last degree equivocal; and fortunate it was that 950 stand were recovered: still they soon found arms for rebellion, though they had none for defence of the government. Indeed, every day men who had been trusted, went over to the rebels. See Clanrichard's memoirs in regard to some of his own relations. The Pale complained of, and assumed it as a ground of rebellion, the enmity which had always been borne to them by Sir William Parsons, who forsooth maligned them the graces, and had prorogued the parliament to prevent their passing: But it is singular, that while the Irish committee, who were chiefly Catholics of the Pale, had objected to the appointment of Ormonde, and Lord Dillon, of Kilkenny West, they had approved of this individual—the most conclusive answer to their allegations, and all Carte's charges. Indeed, it is only necessary to consider that, had the Pale been armed and trusted, and joined the insurgents, Ireland would have been lost,—to disregard all the unsupported charges against this individual in particular. But I do not mean to say that his religious notions were not confined; yet, it must be confessed, that the popish religion, from depending on foreign powers, whose interest it was to encourage them to shake off the English yoke, was most dangerous. Were we even to suppose him too cautious, there would surely be an excuse for him.

I shall just make an observation on Lord M'Guire's relation, which he delivered to Sir John Conyers, lieutenant of the Tower, and which

whose object he could not conceive, but who were all of the Romish persuasion, had risen with force and taken Charlemont, Dungannon, Tonrages, and the Newry—"towns all of good consequence"—and, with these towns, had seized upon his majesty's stores there, though they had only killed one man; that the farthest of those towns was only about forty miles from Belfast, towards which the rebels, who were increasing in numbers, now advanced; and that he had prepared the troops, and given orders to the inhabitants for defence. When this letter was read, his majesty stated, that if, as he trusted, this should prove a small matter, there would be no occasion to apply to them; but that if it happened to be a great affair, then he confidently relied on their assistance: That it was proper to ascertain how foreign states stood affected; and he believed there was no reason to apprehend danger from their aiding the Irish; for that France was bound to him in strict amity, besides being engaged in hostilities with Spain: That from Spain there was still less danger, since she was so completely occupied in war with France, Holland, Portugal, &c. The parliament, however, appointed a committee to meet that afternoon on the business, and report the result of their deliberations to the house next day. Their report, which was made accordingly, and adopted, does them credit. That

Carte depends so much upon. That it contains much truth is undeniable; but that it was written for any object rather than from compunction, is evident from this; that on the scaffold he declared his approbation of the conspiracy. It should therefore be received with allowance.

Ireland being wholly dependent upon the crown and kingdom of England, their interference in this business, without the authority of the English parliament, might give rise to jealousy and mistakes regarding their intention: That the present imperfect accounts did not even warrant the adoption of any particular course for suppressing the insurrection, and his majesty had properly dispatched messengers to Ireland to ascertain the truth and extent of the mischief, while he had also sent an express to the English parliament: That should the affair turn out to be of that magnitude as to require their assistance, and the English parliament should ask it to co-operate with their troops, the Scottish forces could be ready as soon as theirs; but that if, after resolutions taken by his majesty, with the advice of both parliaments, present assistance should be deemed necessary, they would prepare it with all imaginable speed. Though, however, the parliament wisely abstained from adopting any measures relative to this affair, which must have had the effect of exciting jealousy, and involving the two kingdoms in a quarrel, it was not idle in ascertaining the extent of the assistance which could be rendered to the sister kingdom. A committee was appointed on the 29th, to ascertain what boats and other vessels could be procured on the west coast for transporting troops; and, on the 30th, the committee reported, that, between Glasgow and Ayr, there were vessels sufficient to carry over four or five thousand men, besides what might be obtained to

the north of Glasgow *. This evinces their alacrity; and, in a few days afterwards, when the accounts of the extent of the rebellion, with the evils which accompanied it, were more precise, they reduced their proposals to proper form, offering to levy eight regiments, consisting of ten thousand men—2500 of them from the Highlands, and 7500 from the low country; and also to supply instantly 3000 stand of arms, two-thirds muskets, and the other third pikes, provided the English parliament would engage to indemnify them †. This sufficiently testifies their zeal; and it has been justly observed, that, had their offer been accepted of, the Irish rebels might have been quickly reduced. But it has been forgotten that England had by this time given orders for raising 6000 foot, and 2000 horse; and that, therefore, as these could be as soon in the field as the Scots, a small supply from Scotland, to be sent into Ulster, was deemed sufficient. At first, therefore, they asked 1000 only; but when they resolved upon raising 10,000 themselves, they requested first 5000, and then 10,000 from Scotland ‡. The grand obstruction arose from the subsequent disputes between the king and the English parliament. An army, of which he nominated the officers, never could be trusted; and as he would not renounce his right while the

* Late publication of Scots Acts, vol. v. p. 442, *et seq.* Balfour's *Diurnall*, MS. Adv. Lib. p. 128-9, 134, *et seq.*

† Id. p. 143.

‡ Parl. Hist. vol ii. p. 923, *et seq.* Journals, 13th Nov. App. to Evelyn's Mems. Priv. Con. with the King, p. 39.

parliament was equally resolute, there seemed to be an obstacle to any armament from the south. In that case it would have been necessary to consign the defence of Ireland to the Scots, who had determined that the colonels should be nominated by the king and parliament, or, in the interval of parliament, by the king and council; (we shall immediately see that the council had been rendered independent of the crown;) but this would have, in a measure, placed Ireland in the power of Scotland; and in the event of any interested union with their common king, that people might have compromised the rights of England over the island entrusted to them. Indeed, nothing could be more preposterous than an arrangement which gave the Scots the whole military power of the empire, as well as of Ireland in particular, while the English were at the whole expense of the armament. But no arrangement could be completed with the Scottish parliament, which was dissolved on the 16th of November; and, therefore, the business was devolved upon the committee, who were appointed as conservators of the late treaty, and with whom negociations and arrangements occurred, which we shall relate in their proper place.

Settlement of Scottish affairs, and departure of the king.

Charles had, on his arrival in Scotland, proposed at once to ratify all the acts which had been formerly passed by the parliament and stipulated for in the treaty; but though some at first imagined that this augured favourably of his disposition towards his native country, the quicker-sight-

ed, who perceived that a ratification implied their previous invalidity, insisted that they should be published only in the royal name, and not ratified*. Those acts, with others now passed, were great concessions to public liberty. The institution of lords of the articles was abolished: The creation of Englishmen peers of Scotland, who had not a foot of land in that country, and were therefore ever ready to grant their proxies to the crown, was restrained to such only as had landed property in that kingdom of a certain yearly value; officers of state, (with the exception of the chancellor,) and younger branches of the nobility, were prevented from intruding themselves as members of the parliament, unless they had a right of seat there, either as peers or representatives of shires or boroughs; and the representatives of shires made now a vindication of their rights, which counterpoised the peerage: for though every shire sent two members, both had only voted as one; but they insisted at this juncture, and carried their point, that each should vote. It is impossible, however, to satisfy all interests: The younger branches of the nobility were offended at their exclusion †, and the augmentation of votes by the barons or representatives of shires, alarmed the boroughs for their own influence, since it was not improbable that land-owners, both of the peerage and the commons, should feel it to be their inte-

* Baillie, vol. i. p. 395. See Scots Acts, vol. v.
† Baillie, vol. i. p. 328.

rest to unite against the independence and interests of the other parts of the community.

The Presbyterian church government was also fully confirmed. But the grand struggle regarded the election of officers: The Scots had proposed it in the treaty; but Charles had then evaded it on the principle of his intending to visit his native country when he hoped to give satisfaction. How he had tried to defeat all their objects we have already seen; but, as his designs failed, they recoiled upon himself, and he found it necessary to yield at last. It was provided that all the principal officers of state, the privy councillors, the judges, &c. should be elected by the king, with the approbation of the parliament, an act which really vested all the power in the last; or, in the intervals of parliaments, by the king and council subject to the approbation of the next parliament; and that they should hold their places during life or good behaviour *. This at once struck deeply at the regal power; and it must be confessed, that the scramble for office which ensued did not augur favourably of the measure. But as Charles had not yielded to this and the other Scottish demands, except as a matter of necessity, so even at the last he was with difficulty prevented from a trick by which he conceived he might render his concessions nugatory,—going to the parliament, and protesting that what

* Balfour's Diurnal. Scots Acts, vol. v. Baillie's MS. Letters, vol. ii. p. 1388.; many instances of similar elections of a recent date may be found there. Printed Cop. vol. i. p. 188.

he had granted should be without prejudice of his prerogative *; and he did not even leave Scotland without secret assurances that the present measures should be annulled.

By the late treaty there were certain provisions adopted for the benefit, tranquillity, and safety of both kingdoms: That, in the event of invasion, each should assist the other: That neither should declare war against the other without the consent of their respective parliaments and due premonition; and that if any portion of the subjects in one kingdom without the consent and authority of their parliament, invaded the other, they should be reputed and treated as rebels to the state which they belonged to, while both parliaments should be bound to concur for their suppression †; and that both parliaments should be consulted in all treaties and matters of peace or war with foreign states. Commissioners were to be chosen to preserve the articles of treaty during the intervals of parliament; and the Scottish estates now elected theirs, when a commission, with the approbation of the parliament, was granted to them by the king. The integrity of part of the late commissioners in resisting tempting offers from the crown, had been

* Id. p. 336. "This dangerous novelty," says this author, "of casting all loose, his majesty at last was moved to give over, most by Morton's persuasion."

† This appears to me to be the fair construction of the article; but another was attempted to be put upon it in order to engage the Scots. I believe that it was purposely expressed inaccurately, that it might be capable of different constructions.

doubted, and others were chosen in their place. These conservators were, as we have said, also authorized by the states to treat about a supply of forces to Ireland *. The parliament, before its dissolution, appointed another to meet within three years.

Charles, at his departure, seemed disposed to conciliate a country which he had so lately determined to reduce by fire and sword to the most deplorable subjection. Of the church lands which had lately reverted to the crown on the dissolution of bishoprics, &c. he bestowed a small portion on the universities, but the greater part he distributed amongst the nobility; a proceeding which, however pleasing to that class, was resented by the clergy, who had anticipated the property as part of the patrimony of the kirk. But that body discovered that their power, however great in the late contest with the crown, was nerveless in a selfish struggle with the aristocracy. Yet Charles did not altogether neglect them; the livings of Henderson and others were considerably improved. To gain the aristocracy farther he distributed honours with a liberal hand. Lord Lowdon, who was appointed chancellor, was created an earl; Argyle was made a marquis; Leslie, the general, Earl of Leven; and the lieutenant-general, Earl of Callander, &c. The premature death of Rothes only prevented his promotion; and Balmerinoch, who had sat as

* Balfour's Diurnall.

president of the parliament, was the only nobleman who was passed over without any mark of the royal favour, on the principle that he had been ungrateful for his former pardon. Many knights were created; and as some of the judges were removed for malversation, Johnston of Warristoune was raised to the bench *.

In return for these acts of bounty, the states virtually passed from the trial of the incendiaries and of Montrose (an individual whose safety Charles was so deeply concerned for, that he had resolved not to quit Scotland without securing it;) for while they appointed commissioners to inquire into the guilt of those men, they limited the powers of the commissioners to inquiry, and transferred the power of acquitting or condemning to the king. They also proposed to raise ten thousand men for the recovery of the palatinate; an object which the king declared he had much at heart †.

We are informed by Clarendon, that the old general, on receiving this high honour from his prince, assured his majesty, that, far from ever bearing arms against him more, he should always be ready to fight in his service without inquiring into the cause; and that many others also whispered, that as soon as the present storm was past, they would reverse whatever had been unreasonably extorted from

* Balfour's Diurnal. Scots Acts, vol. v. p. 428, 453, &c. Baillie's Let. vol. i. p. 333, 334.

† Balfour. Scots Acts, vol. v. p. 453. Id. App. to Evelyn's Mem.

him *. This affords a clue to the royal policy. However Leslie, a soldier of fortune, may have acted, it is evident that Argyle and the rest of the party in power were not amongst the number who whispered in that manner into the king's ear, since their only security depended upon a continuance of the present state of things; and the choice of conservators of the treaty proved the cautious prudence with which they acted; but that there was a party, (of whom we may presume Montrose the chief,) to whom Charles eagerly listened, who made these magnificent promises, cannot be doubted; and, therefore, we must conclude that the monarch had only yielded to the desires of the Scots for a season, to lull them into a false security.

English affairs. Parliament re-assembles on the 20th of October. Its measures.

It is now high time to return to our narrative of English affairs. Parliament had scarcely met on the 20th of October, after the adjournment, when a new bill, the others having been dropt, was introduced into the lower house, and passed with the utmost expedition, for taking from the bishops all temporal jurisdiction, with the vote in parliament. It was expected to encounter as little opposition in the upper house, except from the spiritual peers; and that these might not frustrate the bill, the Commons solicited a conference with the Lords, at which they contended that the prelates were not entitled to vote upon a question which so immediately concerned them; and par-

* Clar. vol. ii. p. 30[illegible].

ticularly that the thirteen who were impeached, should not be permitted to act as legislators, while they lay under a heavy charge of having violated the fundamental laws of the land. There were at this time five vacancies; and as these, with the thirteen impeached, formed so great a proportion of the whole, all the popular party laboured to prevent the places being filled in time to oppose a bill which, in a manner, annihilated the office. The court party argued vehemently that it was against the usage of parliament to receive a second bill in the same session, when one for the same purpose had been already rejected; but the objection, though encouraged from the throne, does not appear to have been very successful in either house *. A motion was likewise made in the first days of their meeting, about the nomination of counsellors, and public officers of all descriptions, &c. with the consent of parliament; and, in spite of all the eloquence of Hyde and his party, a committee was appointed to prepare the heads of a bill to that effect. Nothing can more fully evince the crisis at which, since Charles was resolved to resist both points, matters had arrived. His conduct it is now necessary to narrate.

* Append. to Evelyn's Memorials. Correspondence between the king and Nicholas, p. 43, 44, 47, 50, 64. Journals for 23d October. Old Parl. Hist. vol. x. p. 8. *et seq.* Cobbet's Do. vol. ii. p. 910, *et seq.* Rush. vol. iv. p. 83, *et seq.* Nalson, vol. ii. p. 493, *et seq.* Clar. vol. ii. p. 302, *et seq.*

The king had previously suggested a way of sowing dissension between the two houses*; and, in spite of his pecuniary situation, he had been most solicitous for a pretext to procure a prolongation of the adjournment. The plague, which appears to have been in those days never altogether extinct in the metropolis, had broken out furiously during the recess; and some members of the parliament, apprehensive for their own safety, had expressed a wish for a farther adjournment. But as the act for tonnage and poundage expired on the first of December, and the duties were absolutely requisite for public exigencies, unless unconstitutional ways of raising money were again resorted to, the ministers were anxious for the meeting of the legislature at the appointed time. Yet Charles no sooner heard of the wish expressed by some members, than, unmindful of his pecuniary necessities, though these alone had been the cause of a parliament, he instructed his servants "to further the adjournment by anie means." There were some who wished an adjournment to some other place; and the king proposed that it should be Cambridge, in the event of a change of place being only agreed to†. His instructions were sent about the middle of October. But the popular members were not to be deterred from their duty, and the royal hopes

The king's conduct.

* Appendix to Evelyn's Memorials. Correspondence between the king and Nicholas, p. 18, 13.

† Id. p. 37, 39.

were frustrated. The king, however, gave orders to fill up the vacant bishoprics, and to draw a general pardon for the thirteen prelates who were impeached, that they might be at once freed even from a trial; while he also desired a full attendance of all the upper house, and was anxious to defeat the Commons in their scheme for excluding the popish lords*. His correspondence also not only evinces the utmost solicitude to screen the conspirators in the army-plots from inquiry, but breathes a spirit of vengeance against the Commons for continuing the investigation into the second plot, and refusing to allow the conspirators the benefit of the act of oblivion †.

Farther proceedings of parliament.

The committee that had been appointed to act during the recess, reported the occurrences of the intervening period, and the Scottish incident was generally regarded as a serious ground for alarm. Besides that it had proceeded from the same monarch who had for so long a time endeavoured to subvert the fundamental laws of three kingdoms, and whose disposition it proved, as much as the army plots, to be unchanged, it was believed with reason that the designs in the north were immediately connected with similar projects against the freedom of his southern subjects; and the com-

* Appendix to Evelyn's Memorials. Correspondence between the king and Nicholas, p. 21, 22, 24, 29, 31, 32, 37, 44, 45, 46, 47, 57, 60, 67. In one of his *apostyles*, he says, "I command you to send in my name to all those lords that my wyfe shall tell you of, that they faile not to attend at the [illegible]owne sitting of the parliament, p. 44.

† Id. p. 7, *et seq.* 25, [illegible], 27, 45, 75.

mon fears were augmented by the number of disorderly people who flocked to the capital in consequence of the late disbandment, and committed riots, &c. It was therefore deemed necessary to have a guard appointed for the protection of both houses, and Essex was commanded to provide one, while the examination into the second army-plot was continued, and daily brought the enormity of the case more fully to light. The Irish rebellion, which so soon followed, struck still greater dismay; and, as was to have been expected, in this state of agitation, silly rumours of imaginary plots engaged the public attention *.

The news of the Irish rebellion were communicated by the privy council to the parliament on the 1st of November; and both houses, while they voted a reward to O'Conally, passed ordinances, without waiting for his majesty's approbation, to raise troops, borrow money from the city, and send arms from the Tower to the Irish government, in order to quell the insurrection. The message from Charles, recommending the Irish business to their care, arrived within a few days, and a bill was introduced into the lower house for pressing troops; while orders were transmitted to the lord-lieutenant for Ireland, to lose no time in raising volun-

* App. to Evelyn's Memorials, Cor. p. 40. Old Parl. Hist. vol. x. p. 1. *et seq.* Cobbet's Do. vol. ii. p. 912, *et seq.* Journals, 22d Oct. *et seq.* Rush. vol. iv. p. 391.

teers *. He, however, doubted whether the mere authority of both houses was sufficient to justify the measure †; and nothing was further from the intention of the king than to devolve such powers upon them. "I send you," writes the queen to Nicholas, on the 12th of November, "a lettre for milord keeper, that the king ded send to me, to deliuer it if I thought fit. The subject of it is to make a declaration against the ordres of parliament, which ar made without the king. If you beleue a fit time, give it him, if not, you may keepet till I see you ‡." The lord-lieutenant was ordered to proceed in the levy, as the ordinance of both houses was a sufficient warrant. The popular party almost at the outset ascribed the Irish rebellion to the effects of evil counsel ||.

The remonstrance.

But the grand question which occupied the attention of the commons, before the king's return, was the famous remonstrance, or declaration, of the state of the nation. This state paper contained a full recapitulation of all the grievances and acts of misgovernment that had been committed from the first of the reign; and, in fact, presented the most frightful picture of despotism ever exhibited in any country where law or liberty was respected. All the grievances were imputed to the

* Journals, 1st Nov. *et seq.* Old Parl. Hist. vol. x. p. 96, *et seq.* Cob. do. vol. ii. p. 925, *et seq.* App. to Evelyn's Mem. p. 54. Rush. vol. iv. p. 398. Nalson, vol. ii. p. 513, *et seq.*

† Journals, 9th Nov.

‡ App. to Evelyn's Mem. p. 72. P. 61 shows what anxious correspondence subsisted between the king and queen.

|| Id. p. 62.

effects of evil counsels, which his majesty evinced no disposition to discard, as, instead of nominating his ministers by the advice of his grand council the parliament, he still affectionately clung to those from whom so many waters of bitterness had flowed. The popular party had hitherto been so successful that they had not anticipated much opposition here; and had it passed easily, they could have pressed their bill about the appointment of public officers with almost irresistible effect; but the result proved that they had over-calculated their own strength. Such was the opposition, that the debate continued from three in the afternoon till three next morning, while there were two several divisions of the house on particular clauses; and the declaration, as amended, was ultimately carried by only 130 to 148. Even then another serious question arose. It was moved that the declaration should not be *printed* without the particular order of the house; and as this evidently implied an intention to print it, should the measure not be averted by timely concession from the throne, the court-party, who dreaded the consequences, proposed that the word "*published*" should be substituted for "printed." But the amendment was lost by 101 to 124; a diminution in numbers which evinces the justness of Clarendon's remark, that the old members, exhausted with the length of the debate, had left the house; but then it applies to the one side as well as to the other, which he would have restricted it to. When this last point was carried, Mr. Hyde, according to a previous resolution which had been formed

by him and his friends, and intimated to the ministers of the crown, proposed a protestation *, and many joined him. The proceeding, however, was deemed an infringement of the rules of the house, and occasioned such an uproar, that, we are told, horrid bloodshed was only prevented by a hasty adjournment, which was accomplished, says Warwick, "by the sagacity and great calmness of Mr. Hampden †." A motion was next day made for the committal of the protesters to the Tower; but the measure was dropt on their submission ‡.

The reasoning of the court party on this occasion appears to have been to this purpose: That it was offering an uncalled insult to the king to enumerate grievances and miscarriages which had already been redressed: That much was said about the illegal acts of the court of star-chamber, of high commission, &c.; but that his majesty had afforded the most signal proof of a purpose to govern constitutionally in future, by consenting to statutes abolishing entirely the arbitrary courts whose proceedings had been complained of; and

* Append. to Evelyn's Mem. p. 80. Nicholas writes that it was then midnight; the commons had been engaged "since 12 at noone;" that his indisposition prevents him from watching longer to see the result, but that there are "diverse in ye com'ons house that are resolved to stand stiff for rejecting that declarac'on, and if they p'vayle not then to protest against it." Hence Clarendon's is not quite candid.

† Warwick, p. 202.

‡ Clar. vol. ii. p. 301, *et seq.* Whitelocke, p. 51. Append. to Evelyn's Mem. p. 68, 78, 80. Old Par. Hist. vol. x. p. 44, *et seq.* Cob. vol. ii. p. 937, *et seq.* Journals, 23d Nov.

that to enumerate matters of this kind, could only serve to inflict a wanton wound upon the sovereign, and inflame the populace against him: That, in like manner, the people had justly complained of arbitrary taxes; but, as a legislative remedy had already been provided against the recurrence of such evils, it was the mere wantonness of insolence to dwell on them now: That the grand cause of the public calamities had been the disuse of parliaments; but that, in the triennial bill, the noblest remedy had been devised for the evil, and his majesty had testified the goodness of his nature, by readily passing an act which secured the national privileges in future: That to demand more would be in reality to dethrone the sovereign,—to rob him of his birth-right, and to subvert that monarchial constitution which the popular party laboured so assiduously to prove had been invaded on the king's side: That the royal consent to so unjust a sacrifice could not be expected, and the attempt to extort it would, in all probability, be accompanied with the most deplorable mischief, while even if the concession were made, it would be so far from promoting the public good, that it would unhinge all those legal principles on which mankind had hitherto depended, and thus lead to general anarchy.

The view taken by the other side appears to have been this: That the enumeration of miscarriages, grievances, &c. was necessary to satisfy both the king and people, that parliament was neither insensible of the national rights,

nor yet unprepared to vindicate the common privileges: That, from past misgovernment, it was easy to foresee that the future administration from the same source, would, if unrestrained, be no less unconstitutional: That it was an absurdity to talk of security from the late laws, which declared the various proceedings complained of to be illegal; since he, whom no former law, not all the fundamental principles that had been established for so many ages, and fortified by the petition of right, could restrain, could not be expected, when he perceived himself liberated from his present difficulties, to deem himself bound by later enactments to which his consent had been evidently extorted: That he fully evinced his disposition, not only by retaining the counsel from whence so many oppressions and calamities had sprung, but by the army-plots, the incident, &c. which were calculated at once to destroy the freedom of parliament, nay, possibly, the persons of its members, and to substitute a naked despotism in the very face of those provisions for public liberty that had been so magnified: That it was true that the star-chamber, high commission, &c. were put down; but that it might fairly be inferred, from the reluctance with which the monarch had consented to their dissolution, coupled with his designs against the parliament, that, under the pretext that his will had been forced, he would embrace the first opportunity to restore them: That, however, it was a matter of indifference whether they were restored or tyranny appeared in a new form, since

nothing was more certain than that an arbitrary government must employ arbitrary means to compel obedience: That the act for triennial parliaments would necessarily fail of any beneficial effect, because if a parliament were permitted to assemble, it would find itself bereft of parliamentary powers: That it was a contradiction in terms to say that parliament possessed the legislative power, and yet could not adopt measures for the due execution of its enactments: That it was alone entitled to impose taxes, and yet had no right to interfere with the application of the money: That as a good prince would never employ servants who had lost the confidence of his grand council, or take any important step without its concurrence; so such a monarch might well be left to the choice of his ministers and other servants, since, in effect, the national council tacitly approved of his choice; and his whole government proved a disposition to uphold, not destroy the public privileges: But, that when the kingdom had already suffered so severely, and attempts of the most atrocious kind had been made to frustrate the late concessions, and restore the will of the prince for the law of the land, parliament was bound to interfere directly for the general security: That, in short, matters had arrived at such a posture, that the grand council had reason to believe that the very money granted for the exigencies of state would be used to raise an army in order to reduce the kingdom to slavery, when terrible vengeance would be visited upon those who had stood for-

ward in defence of the public rights; and the question was, whether they would be discharging their duty, either to themselves or the community, by standing upon small distinctions in such an hour of danger? That the complaint by the king that his prerogative was invaded, ought to be disregarded, since his power was given for the public good, and by his violation of the principles on which he was entitled to govern, he had really forfeited any plea founded on the right of inheritance, and in fact had compelled the people to resort to new regulations in their own defence.

Such appear to have been the leading views and arguments on both sides, and those used by the court-party gained many on whom the popular party had relied: Others, who began to apprehend that there was a faction bent on something more than a redress of grievances, and that their measures might subvert exclusive privileges elsewhere, also joined the court party: some dreaded to irritate the monarch farther, and others again were actuated by more impure motives. That, of the popular party, there were not a few, who themselves coveted that power which they disliked in the monarch, subsequent events too amply verified: That all were alarmed for the concessions which had been extorted in favour of public liberty, and even for their own safety, unless the power of the crown were much farther abridged, is perfectly evident, and indeed was a necessary consequence of the long course of misgovernment, the late plots, and, in short, of the numerous instances

of perfidy by the monarch. Of this, the declaration by Oliver Cromwell (a man who cannot be justly accused of timidity) to Lord Falkland, on the day after the remonstrance was voted,—"That, had it not been carried, he would have instantly sold all he had, and gone to America, and that he knew there were many other honest men of the same resolution,"—is a sufficient proof*.

The remonstrance was voted on the 22d of November, and Charles arrived from Scotland on the 25th. On his journey he was, according to previous assurances, received at York and other towns with every demonstration of joy, and matters had been arranged for a magnificent reception in the metropolis †. Court influence, owing to the dexterity of one of the sheriffs ‡, had procured the election of one Gurney, a keen royalist, who longed for an opportunity to testify his extreme attachment to the king, and, according to a previous understanding, the royal reception was the most

King's arrival.

* Clar. vol. ii. p. 312. Oliver imagined that it could scarcely provoke a debate, so unanimous did he expect that the house would be. P. 311.

† Nicholas' correspondence with the king, in the Appendix to Evelyn's Memoirs, affords some curious information on this subject.

‡ Id. p. 31. "Alderman Gourney," writes Nicholas, "(according to his right and place) is elected Lo. Mayor notwthstanding ye opposic'on of ye factious party, throughe ye stoutnes and good affecc'on of one of ye new sheriffs (called Clerck) who, while ye factious persons were making a noyse, would not proceede to ye elecc'on, proposed Ald'man Gourney, (who, I hear is very well affected, and stout,) and carry'd it, and ye Schismaticks, (who cryed noe elecc'on,) were silenced with hisses, and thereupon ye sheriff dismist ye court." 5th, 8th. See about the choice of the sheriffs, p. 6. Rush. vol. v. p. 129, *et seq.* Cler. vol. ii. p. 382. Nalson, vol. ii. p. 674, *et seq.*

marked imaginable. His lordship, and the recorder, were knighted for their loyalty.

The commission to Essex expired on the king's return, and his majesty instantly ordered the dismissal of the guard, which both houses had ordered under that nobleman's command for their own security: But Charles at the same time intimated, that for their satisfaction, he had ordered Earl Dorset to attend upon them for a few days with some of the train-bands of Middlesex. This was warmly taken up in the lower house, where it was alleged, that after the detection of former plots, the Scottish incident, the number of suspicious persons about the capital, advertisements of danger from abroad, &c. but above all the Irish rebellion, which burst out so unexpectedly, they could not be safe without a guard; and that it was neither consistent with the dignity nor security of parliament to be guarded by any that were not under their own controul. They therefore refused to be guarded by any body of men under the command of Dorset, and petitioned for liberty to appoint a guard themselves under the command of Essex; but the upper house in this, as in other respects, refused their concurrence. Tumults about the parliament ensued, and the Lord Keeper informed them that it became necessary for them to suppress those disturbances, lest their proceedings should lose the character of unconstrained deliberations in after times; yet on the day following, Charles himself, on passing the bill for tonnage and poundage, informed them that he did not expect fears

and jealousies as the result of his concessions; that these might have been excusable in his absence, but were unbecoming now that he was present to defend them *.

The remonstrance was presented by a committee of the Commons on the 1st of December, and along with it a petition, in which they prayed that the prelates should be deprived of their vote in parliament; that his majesty should entrust the public affairs to such only as the parliament approved of; and that he would not alienate any of the lands in Ireland which might be forfeited by the rebellion, but reserve them as a fund for the support of the crown, and the indemnification of the kingdom for the expense of the war. Charles received the committee graciously; but, while he threw out an observation against the propriety of driving the Irish insurgents to despair by any resolutions relative to their property, and expressed his abhorrence against any design to subvert the Protestant faith—a ground of complaint in the remonstrance; he required time to answer both papers. He eagerly, however, inquired whether the Commons meant to publish the remonstrance; but the committee declined to answer a question beyond the power of their commission. In the answer which he afterwards formally made to the petition, he expressed his aversion to ex-

* Rush. vol. iv. p. 434, *et seq.* Nalson, vol. ii. p. 684, *et seq.* Journals. Old Parl. Hist. vol. x. p. 61, *et seq.* Cobbet's Do. vol. ii. p. 941.

press any resolution regarding the property of the Irish rebels, from the motive stated above; and it had the unhappy effect of augmenting the belief that he encouraged the rebellion*. It formed not only a contrast with his former measures relative to Scotland, but seemed to accord with the new law lately promulgated in the neighbouring isle on the very subject of forfeitures.

The affairs of Ireland daily became more desperate, and men's passions in Britain more inflamed with the events in that kingdom. Charles therefore recommended to both houses to hasten their preparations, and informed them that the Scottish commissioners were ready to treat with them relative to assistance from Scotland. Commissioners were appointed to negociate with the Scottish†; but, in the meantime, the English preparations were stopt by the delay of the upper house in determining the fate of the pressing bill. The Commons had previously resolved that the officers should be nominated by the lord lieutenant, with the approbation of both houses; they appointed a council of war, &c.; and had even entered into a resolution to make Essex captain-general of all the train-bands to the south of the Trent, and Lord Holland to the north, with power to appoint officers, &c. and to be removeable only at

* Nalson, vol. ii. p. 689, *et seq.* Rush. vol. iv. p. 432. Old Parl. Hist. vol. x. p. 51, *et seq.* Cobbet's, vol. ii. p. 912, *et seq.*

† Old Parl. Hist. vol. x. p. 92, *et seq.* Cobbet's, vol. ii. p. 966, *et seq.* Rush. vol. iv. p. 451, *et seq.* Nalson, vol. ii. p. 719, *et seq.*

the discretion of parliament. Other resolutions, as about the Isle of Wight, tended to the same object*. And on the 7th December, a bill was introduced into the lower house by Mr. Solicitor-General St. John, for vesting the whole power of the militia, by sea and land, in commissioners to be appointed by parliament. This bill, in spite of a violent opposition from the court party, was once read. This was just transferring the command of the military from the king to the parliament; but as the result of their investigation of the army-plots had been so black, the measures seemed to be demanded by the necessity of the case. In the upper house, however, Charles had always had a strong party. The prelates clung to the throne in self-defence, as well as from the feeling that all the patronage and promotion of their class flowed from it. There were lords popishly affected, whom, as we have seen, Charles was anxious to prevent being excluded, and they naturally adhered to the crown, while the number attached to the court by offices, &c. was not inconsiderable. In this way the motions of the lower house were checked, and matters had proceeded so far, that, on the 3d of December, the following clause appears in the journals of the Commons: "This committee is appointed to prepare heads for a conference with the Lords, and to acquaint them what bills this house hath passed, and sent up to

* Journals of the Commons, vol. ii. p. 301, *et seq.* Nalson, p. 608, 624, *et seq.* Clar. vol. ii. p. 330, *et seq.*

their Lordships, which much concern the safety of the kingdom, but have no consent of their Lordships to them; and that the house being the representative body of the whole kingdom, and their Lordships being but as particular persons, and coming to Parliament in a particular capacity, that if they shall not be pleased to consent to the passing of those acts and others, necessary for the preservation and safety of the kingdom, that then this house, together with such of the Lords as are more sensible of the safety of the kingdom, may join together, and represent the same to his majesty, &c *." While, too, they delayed the bill for pressing the soldiers, by which the rebellion was permitted to rage without the prospect of immediate check by military power from England, they, at a conference with the Commons about the supply of troops from Scotland, proposed to stipulate that Scottish assistance, to the extent of 10,000, which the Scots undertook to ship free of expense, should not be accepted unless an equal quota of troops were sent from England. The Commons insisted that such a stipulation was contrary to the usage of Parliament; but that their Lordships were already apprized of their vote for 10,000 English. The Lords, however, only concurred provisionally —that an equal army should be sent from England †.

The bill for pressing contained a clause against the illegal usurped power which had been so cala-

* Journals.

† Old. Parl. Hist. vol. x. p. 119. Cobbet, vol. ii. p. 981.

mitously exercised by this prince—of pressing the free-born subject at his pleasure, by which the vengeance of the crown could be let loose upon the highest in the kingdom; and Charles, who knew the value of the power, was determined not to renounce it; though it is not improbable that he was in this actuated by other motives, and particularly by the consideration that it had been resolved that the army thus raised was to be commanded by officers virtually appointed by both houses. One concession leads to another. While the bill, therefore, depended in the upper house, he came thither, and having summoned the Commons, he informed them, that he understood such a bill depended before Parliament: That it involved a question of importance—for which he was little beholden to the person who had begun the dispute—whether by virtue of his prerogative he might press men into his service? That this was an ancient right of the crown, and he was determined not to renounce it: That, if the bill came to him without any infringement or diminution of his prerogative he would pass it, but not otherwise; and that, therefore, it would be necessary to insert a *salvo jure* or preservation of his right. This usurped power had already been pronounced illegal; and, as it was inconsistent with every idea of liberty in the subject, so it really rendered every other provision in favour of it nugatory. But had the commons halted now, they must have been held to have recognized it, and consequently would have exposed the first in the kingdom to the ven-

Charles commits a breach of parliamentary privilege in regard to the bill for pressing soldiers, 14th Dec. 1641.

geance of the crown, under the form of what they had admitted to be law. They had, therefore, no alternative now. But the conduct of the king was so contrary to all parliamentary privileges, that, considering what had occurred on former occasions, it is scarcely to be imagined that this prince had profited so little by experience, as not to anticipate, in part at least, the result of this illegal interference with a bill depending before both houses; and therefore we may conclude that he was actuated by deeper motives than a mere desire to have his assumed right preserved. He afterwards proposed, as a compromise, that 10,000 volunteers should be raised by him, provided the houses would engage to support them; and as that would have evaded what the commons were chiefly anxious for, and in fact had resolved upon —the appointment of the officers—it is likely to have been one view which influenced him and his secret advisers from the beginning. The proposal to raise the volunteers was made to the lords, who zealously communicated it to the commons; and the latter resented it as an improper interference by the upper house *.

* Old Parl. Hist. vol. x. p. 99, *et seq.* Cob. vol. ii. p. 968, *et seq.* Clar. ii. p. 325, *et seq.* Rush. vol. iv. p. 457, *et seq.* Nalson, vol. ii. p. 738, *et seq.* Whitelocke, p. 50. Journal of the Commons, vol. ii. p. 361. Clarendon imputes this measure to the treacherous advice of St. John; but if it had been the fact, Charles would not have obstinately declined to disclose the name of his adviser. Indeed, we learn, from this very writer, that St. John had already declared that the power of the militia was not in the king, and had introduced the bill for vesting it in commissioners, p. 331.

This rash measure inflamed both houses, and they immediately prepared a remonstrance against such an invasion of their privileges, demanding, at the same time, the names of his advisers. Charles, in his answer, declared, that he had no wish to infringe their privileges; that he was guided only by an ardent desire to further measures for the reduction of the Irish rebels; but that it would be unbecoming to name the individuals by whose counsels he had acted. The most moderate men were confounded at this ill-advised step; and the commons instantly determined to print the remonstrance, with the petition which had been presented along with it.

Remonstrance of both houses against the breach of privilege, and the commons print their grand remonstrance.

Other matters tended to hasten a breach. Charles published a proclamation for conformity to the established church and worship; and it was justly concluded that this announced a purpose, not only to refuse the general demand for the abolition of episcopacy, but a determination to enforce the ceremonies which were so much abhorred*. Sir Henry Vane had been dismissed from his office †, from no other apparent motive than the evidence he gave against Strafforde; and Lord Newport, another material witness against that grand delinquent, was, with some others, accused by the king of having expressed a purpose of seizing upon the queen and her children, as pledges for their own security, should any attempt similar to the incident be made against them. The houses remonstrated

King gives fresh cause of disgust and fear.

* Whitelocke, p. 50. † Clar. vol. ii. p. 323.

against this, and Charles equivocated as to what had been uttered by him; but Newport *, while he rose in the popular estimation, sank in that of the prince. In the mean time, Sir William Balfour was dismissed from the lieutenancy of the tower, and one Colonel Lunsford was appointed to the place. The change produced general consternation. The only objection to Balfour was, that he had refused to betray the duty of his office, in conniving at the escape of Strafforde, and was not less unfit for other unworthy purposes: but his successor was not only suspected, on fair grounds, of unsoundness in religion, but was an individual of broken fortunes, and of the most desperately wicked character, having been formerly censured in the star-chamber, for which he was still outlawed, for the most deliberate attempt at assassination. This change too, followed closely resolutions by the commons, that there had been a second attempt to debauch the army—that the royal favourite Daniel O'Neale was guilty; and that he, with other favourites, Percy, Jermyn, Pollard, Ashburnham, Berkley, Suckling, Davenant, &c. had been guilty in relation to the army of misprision of treason, and should be accordingly prosecuted for it. The latter too, were expelled the lower house, by which new writs for elections were issued †. The city

* Rush. vol. iv. p. 464. *et seq.* Nalson, vol. ii. 781.

† Nalson, vol. ii. p. 754. *et seq.* Journals of the Commons, vol. ii. p. 332, 337. When these elections were ordered, letters were sent to the different boroughs by peers, in favour of certain candidates; but the commons entered into a spirited resolution against it. Ib.

took up the matter zealously; the bullion in the mint, &c. was not conceived to be safe under the command of such a character as Lunsford, and the city might be brought under his power, since it was impossible to predict what additional strength he would secretly introduce. Petitions against his appointment were therefore presented to the commons, who applied to the Lords to concur with them in an application to the throne, for the appointment of Sir John Conyers, should any lieutenant, while Lord Newport was constable of the tower, be deemed necessary; but the upper house, alleging that it belonged to the sovereign alone to command the forts, refused to interfere, and the commons were obliged themselves to enter into very spirited resolutions against it. Orders were given by them to Lord Newport, "to lodge and reside within the tower, and take the custody and guard of that place," but he was immediately discharged from his office. The apprentices, in the mean time, threatened to attack the tower, in order to drive out Lunsford, and Charles saw the propriety of dismissing him; but Sir John Byron, the person appointed his successor, was little more acceptable *. The commons were likewise offended, and we may presume, alarmed, at the appearance of a guard upon themselves. They, however, took effectual measures for its removal.

* Rush. vol. iv. p. 169. *et seq.* Nalson, vol. ii. p. 773. Clar. vol. ii. p. 332, 356. This writer tells us that Balfour was very gracious to the commons for the safe keeping the Earl of Strafforde; but is not this an admission that there was a plot for his rescue? Old Parl. Hist. vol. x. p. 190. Cobbet, vol. ii. p. 982.

Immediately after the dismissal of Lunsford, but before it was publicly known, the citizens flocked down tumultuously to Westminster-hall, crying out no bishops, and Williams, who was on his way to the house of Lords, seized one of the mob whom he observed to cry against the hierarchy. But the young man's comrades so hemmed in the prelate, that he was obliged to let him go, and they all bawled out against bishops. At this time one David Hyde "a reformado in the late army against the Scots," began to bustle, declaring he would cut the throats of those round-headed dogs, (the origin of the term round heads, afterwards given so liberally to the parliamentary party,) and drawing his sword, called upon some military friends to back him; but they declining, he was apprehended by the populace, and complained of to the commons, by whom he was committed, and deprived of the employment to which he had been appointed in Ireland. That very day Lunsford afforded a striking proof of his aptitude for mischief: at the head of about thirty or forty friends, he attacked the citizens and apprentices who were near the parliament, sword in hand, and wounded many. The apprentices hearing of this, came down to Westminster with swords, staves, &c. and alarming tumults ensued. Lunsford, Hyde, and their party, now formed themselves into a sort of regular body against those whom they called the mob, and having been joined by a great number of soldiers of fortune, who had served in the late army, they not only assaulted the populace violently,

wounding many, but began also to use menaces against the parliament itself *.

To appease the public mind, to lessen the influence of parliament, and gain a party, an answer was published to the remonstrance. This answer was the secret production of Hyde, and certainly does credit to his talents. He alleges, with what sincerity may be questioned, that he had merely drawn it for his private amusement, but that having shewn it to Lord Digby, he requested that he might allow it to be read to the king; and it having gained his majesty's approbation, was printed accordingly †. In this answer, the king is made to decline any argument regarding the evils enumerated in the remonstrance, or the laws enacted for redress of them, but to declare that he would preserve the great concessions which he had made, from a sincere purpose of meliorating the condition of his subjects to the utmost of his ability; and that, perhaps, the people might have a pious sense of the many blessings which they had enjoyed under his government for the last sixteen years—not only in comparison of other countries, but even of those periods of their own history that were accounted most fortunate: That with regard to the popular fears and jealousies about their religion and civil rights, they were altogether un-

Answer to the remonstrance of the commons on the state of the nation.

* Rush. vol. iv. p. 463. Clarendon, vol. ii. p. 338, *et seq.* says that Williams would have been murdered, had it not been for the timely assistance of some friends; but the statement derives no support from Rush.

† [redacted] Life, p. 44—85.

founded; for that, as he was neither a favourer of papists, nor unacquainted with the grounds of difference between the Romish and the English church, so he would seal his faith with his blood: That he was resolved to maintain the present establishment, but that, as for some ceremonies, in themselves indifferent, he would not object to a law for the exemption of tender consciences, provided the measure were proposed with modesty and submission, and without discountenancing the decency and comeliness of God's worship: that he had, on the other hand, to complain of seditious and scandalous pamphlets and sermons, which he was amazed to find had so many readers and hearers, as it was a fit prologue to nothing but confusion, and which therefore it was his province to punish condignly: That again, as to their civil rights and interests, he had erected many monuments of his princely and fatherly care of his people, in those many excellent laws which had been passed in the present parliament: That with regard to his ministers, he neither had protected them, nor would in future; but that as the right of choice was vested in him, so he would never renounce it. "If," he is made to say, "notwithstanding this, any malignant party shall take heart, and be willing to sacrifice the peace and happiness of their country to their own sinister ends and ambition, under whatever pretence of religion and conscience—if they shall endeavour to lessen my reputation and interest, and to weaken my lawful power and authority—if they shall attempt, by discountenancing the present laws, to loosen the bonds of

government, that all disorder and confusion may break in upon us—I doubt not but God in his good time will discover them to me, and that the wisdom and courage of my high court of parliament will join with me in their suppression and punishment." He concludes with declaring his abhorrence of the Irish rebellion, and his invariable desire to suppress it, which he had lately evinced by a message to the lords, by which he proposed to raise 10,000 volunteers—a fact which he published to contradict the malicious whispers of some, that the preparations had hitherto been prevented by him.

This publication was calculated to make a great impression. The aristocracy began to be alarmed at the popular spirit which daily arose; the salutary laws that had been passed were obvious to all, while the perpetual source of jealousy in the commons might be overlooked. The prince who stands convicted of attempts to overturn the fundamental laws of his country, by means of the power which has been intrusted to him for the public good, and has repeatedly deceived his subjects after the most solemn engagements, justly forfeits their confidence for ever; and even the late measures of Charles had inspired incurable jealousy in every reflecting breast. Nor could it be unknown to the parliamentary leaders, that, during his residence in Scotland, he had been hunting for the means of their destruction. No change of government could be expected from a prince that obstinately adhered to those counsels which had

already proved so pernicious; and his conduct in regard to the bill for pressing still evinced that he yet conceived it to be within the scope of his prerogative to force into his service whomsoever he pleased, which implied, that the greatest patriots might in that form be objects of persecution. Add to this, that he was widely suspected of having been accessary to the Irish rebellion.

The impression which the answer to the remonstrance might have made, however, was destroyed by other events. The cry against episcopacy daily increased; and the prelates began to apprehend that the bill which depended in the upper house for its abolition might be passed by the lords when the royal assent could with difficulty be withheld. To maintain their ground, therefore, a most extraordinary course was adopted. It has been seen that Williams, on his passage to the lords, had been prevented from apprehending one of the populace, whom he observed to cry out against the bishops, and he, with eleven more, alleging that their access to the house was obstructed, took a protestation against all acts which might be passed in their absence. This protestation was approved of by the king before it was presented by the lord keeper to the upper house, to be by it communicated to the lower; and, as it was consentaneous to the royal proceedings in Scotland, it ought rather to be ascribed to the continuance of the counsels that directed matters relative to that country, than, as the malice against Williams has dictated, to his individual violence. Even the lord keeper was equally

Protestation of the bishops that this was not a free parliament, and that all acts passed in their absence should be null.

culpable in not opposing, as Williams in recommending it; nay, as the keeper's passions must be supposed cool, while the other's were inflamed, he was in that view infinitely the most criminal of the two. But the measure was intended to be of deeper consequence than royalist writers admit; and they do the object of their admiration little credit by making him the senseless dupe of every interested or passionate adviser. He was bent upon a pretext for being freed from the parliament, and in that state of feeling was not scrupulous about the means. But, surely, when it is considered on the one hand, that he obstinately refused the parliament liberty to appoint a guard, though he had ordered one for himself at Whitehall, and, on the other, that he permitted Lunsford and his followers to appear armed at Westminster-hall, we cannot readily admit an apology for his concurrence in a measure which was calculated to annihilate a parliament that was indissoluble without its own consent: for, if any body of men, by absenting themselves, could make all the proceedings of the legislature nugatory, it was absolutely extinct *.

The result of this protestation probably disappointed both those who took and those who approved of it. Such were the indignation and outcry against the prelates, that it was immediately

Bishops impeached of high treason.

* Rush. vol. iv. p. 466, *et seq.* Nalson, vol. ii. p. 794, *et seq.* Whitelocke, p. 63, but he is not correct in dates. Clar. vol. ii. p. 350. Old Parl. Hist. vol. x. p. 137. Cobbet's, vol. ii. p. 993.

resolved upon to impeach them of high treason; and even those attached to the function, were so offended at the men for such a mark of indiscretion and criminality, that they would not interfere to save their persons. One gentleman alone feebly raised his voice against the impeachment, observing that, in his opinion, they were not guilty of high treason, but that they were stark mad, and he recommended that they should be sent to bedlam *. The impeachment was immediately voted; and the enemies of episcopacy were secretly pleased at an event that so fairly opened the way for the removal of the establishment. The bishops were accordingly impeached of high treason by the commons, at the bar of the peers, and committed till the charge were prepared.

The commons, at the same time, again requested the concurrence of the lords, in an application to the king for a guard, and they supported their request with new reasons; that the prelates would not have ventured on so insolent and traiterous a measure, had they not been sensible that they would be well abetted in their design; and that the king had himself conceived it necessary at this juncture to appoint a guard for himself; and since the king's enemies were likewise the enemies of parliament, the guard on the one part implied its necessity on the other. But the lords adhered to their former resolution, and the commons petition-

* Clar. vol. ii. p. 353. *et seq.*

ed the king separately. They stated that there had already been several attempts to bring destruction upon their whole body, while threats had been vented against particular individuals; that there was now a malignant party which daily gathered strength and confidence, and had arrived at such a height of insolent atrocity, that they had imbrued their hands in the blood of their fellow subjects, in the face, and at the very doors of the parliament, and at his majesty's own gates, while they used the most violent and menacing language against the parliament itself. An answer to this petition was delayed *.

While men, having lost all confidence in the sovereign, justly apprehended new conspiracies of his fomenting against the parliament, it is not wonderful that they should have listened with trembling anxiety to groundless rumours. Such is the natural course of events, and to expect that, in the hour of real danger, people should calmly and scrupulously weigh evidence and balance probabilities, before they give ear to any report, would be to demand a philosophical coolness beyond the compass of humanity, and which would be found incompatible with the alertness that is necessary for the public safety. Were no precaution taken till the danger were proved, the mortal blow might be struck before the slightest provision was made against it: The late tremendous

* Rush. vol. iv. p. 471. Old Parl. Hist. vol. x. p. 149, *et seq.* Cobbet's, vol. ii. p. 1001.

explosion in Ireland, under which so many thousands still suffered, afforded an awful warning to a people against whose own legislative assembly such plots had been devised. That unmanly terror which would lead a party to seek its security in the unjust prosecution of supposed adversaries, cannot indeed be too much condemned, (and the disposition against the Catholic party, which, however, was dangerous at this juncture, rather savoured of this,) but the prince who had been already fully detected in conspiracies against the grand national council itself, had no right to complain of being suspected of similar designs; and the calm investigation of the army-plots was every way worthy of an English parliament. It is easy, however, to perceive the advantage which false alarms were calculated to afford the court party in extending the ridicule against them to those which were well-grounded; and authors, whose object has certainly not been truth, have made a dextrous use of it in their relation of events. By them the groundless rumours, as well as the genuine plots, have been imputed to the fabrication of the popular members, as part of their system for keeping alive that feverish anxiety on which their influence was built; but, though it be not impossible that some of those members might not be averse to the existence of reports that augmented their power, there is no authority to justify the imputation against them.

We have already said that the answer to the petition for a guard was delayed; and it is re-

markable that it was returned on the very day on which Lord Kimbolton, eldest son of the Earl of Manchester, and the five members of the Commons, Pym, Hampden, Hollis, Hazlerig, and Strode, were impeached of high treason. The answer, too, was tantamount to a direct denial, as Charles, while he affected to be ignorant of the cause of their fears, then agreed to give them a guard, only conditionally—provided it were under the command of an officer appointed by his majesty, instead of Essex, whom the Commons recommended. They "ordered that the lord mayor, the aldermen, the sheriffs, and common council, be forthwith advised from that house, to direct that the trained-bands of the city of London may be put in readiness for the safety of the king's person, the city, and the commonwealth; and that, in the meantime, there may be strong guards and watches set at all places convenient about the city*."

The impeachment of Lord Kimbolton and the five members of the commons, 3d Jan. 1642.

On that day, the 3d of January, the attorney-general Herbert went to the House of Lords, and, in his Majesty's name, impeached Lord Kimbolton, a member of that body, together with the five members of the Commons, of high treason, on the following grounds: That they had traitorously endeavoured to subvert the fundamental laws, and the government of the kingdom; to deprive the

* This appears by the Journals, vol. ii. p. 366. to have passed before the members were impeached. Rush. vol. iv. p. 471. Old Parl. Hist. p. 155, 156. Cobbet's, vol. ii. p. 1062.

king of his regal power; and to place his subjects under an arbitrary and tyrannical power: That they had endeavoured, by many foul aspersions upon his Majesty and his government, to alienate the affections of his people, and to make him odious to them: That they had endeavoured to draw his Majesty's late army to disobedience to his command, and to join them in their traitorous design: That they had invited and encouraged a foreign power to invade the kingdom: That they had endeavoured to subvert the very rights and being of parliament: That, for the completing of their traitorous designs, they had endeavoured, as far as in them lay, by force and terror, to compel the parliament to concur with them in their designs; and, to that end, had actually raised and countenanced tumults against the king and parliament: And, that they had traitorously conspired to levy, and actually had levied, war against the king. Having read these articles, the attorney-general moved that a select committee, under a command of secrecy, might be appointed to take the examination of witnesses according to the practice in similar cases; that his Majesty might have liberty to add to, or alter, the articles as he saw cause; and that their Lordships would adopt the requisite measures for securing the persons of the accused. The whole house looked aghast at this proceeding, and no one was hardy enough to move for Kimbolton's commitment. His Lordship himself, standing up, professed his innocence, but offered readily to obey any order of his peers; yet prayed that,

as he had been publicly impeached, so he should also have a public opportunity to vindicate his innocence. In the mean time, a party, consisting of Sir William Fleming, Sir William Killigrew, and others, had been sent to the chambers of the impeached members, to seal up their trunks, doors, &c.; and the Commons, having received notice of this, together with the proceedings in the upper house, resolved that, if any person whatever should come to the lodgings of any member of that house, either to seal up his trunks, &c. or to seize his person, it was lawful for him, according to the late protestation, to defend the privileges of parliament, to call a constable and others to his assistance, and stand upon the defensive. They also desired a conference upon this breach of privilege, and they again expressed their wish that their Lordships would concur in asking a guard which should be approved of by both houses, or else that they would consent to adjourn to a place of greater safety. The Lords ordered that the seals should be removed from the trunks, &c. of the members, and at last agreed to petition for a guard. The Commons likewise issued an order to apprehend Fleming, and the other gentlemen who acted with him, and to bring them before the house as delinquents. But, while matters were proceeding thus, a serjeant at arms came to the lower house, and demanded the five members. The Commons, having ordered the serjeant to withdraw, appointed a committee to acquaint his Majesty, that as the message was a matter of such consequence as to

concern the privileges of all the Commons of England, it was necessary for them to take it into their serious consideration; but that they would return an answer with as much speed as possible; and, in the mean time, they would take care that the gentlemen mentioned in the message should be ready to answer any legal charge against them. The accused members were ordered by the house to give regular attendance.

Such were the proceedings in parliament on the third; but Charles, determined to carry through his designs, was not idle that evening. He had already congregated a considerable body of desperate characters in the better walks of life, men whose fortunes were inadequate to their desires, and who, having an open table kept for them, were, in the form of a guard, prepared for any unlawful measures: yet, not satisfied with their number, he had used all his influence to enlist also under his banners the gentlemen of the four inns of court, and had been so successful, that they proffered their services as a guard, and one of them said publicly, in the hearing of Ludlow, (who took up the matter so sharply that the young man pretended to apologise for his hasty expression,) "What! shall we suffer these fellows at Westminster to domineer thus? Let us go into the country, and bring up our tenants, and pull them out." To this body, Charles, on the evening of the third, sent a copy of the charge against the members of parliament, with a message, by Fleming and Killi-

grew, to keep within doors next day, and be ready at an hour's warning.

The king had promised to return an answer to the message of the Commons on the next day, the fourth; yet, that very day, having put himself at the head of his courtiers and band of armed followers, he marched to the lower house, for the purpose of seizing the five members in the very discharge of their duty. Mr. Pym had received notice of the king's intention from the Countess of Carlisle, the Earl of Northumberland's sister; and as his Majesty marched at the head of his troop, a Captain Langrish, who had lately returned from the French service, and, from his military habits, was in terms of intimacy with some of the royal followers, learned from them the object of this cavalcade, and, passing them quickly, reported the intelligence to the house. As force was evidently intended, and the feelings of the Commons were such, that the members would have been defended, had an attempt to seize them been made, it was deemed advisable that they should leave the house, rather than incur the hazard of such bloodshed as in that event must have ensued. One of them, however, Mr. Strode, determined to meet the occasion, till his old friend, Sir Walter Earle, pulled him out by force. The band which accompanied his Majesty, and amounted to upwards of three hundred, armed with swords, pistols, halberts, &c. made a lane, through which he passed into the house. He, walking up to the chair, commanded the speaker to resign it, and, having occupied it,

King's violent entrance into the lower house for the five members, 4th Jan. 1642.

cast his eyes round for the objects of his pursuit; then remarked, that he was sorry for the occasion, but that he had already sent a message for those members who were, by his command, accused of high treason, and had only received a message in return, instead of the obedience which he had expected: that no king would ever be more careful of their privileges than he; but that as no place afforded a protection against a charge of treason, so he was resolved to have them wherever they were; and that so long as they continued in that house, it could not proceed in the right way. Having looked round in vain for the impeached members, he demanded of the speaker whether they were in the house, who, falling on his knees, answered, with admirable presence of mind on such an unprecedented and critical occasion, "May it please your Majesty, I have neither eyes to see, nor tongue to speak, in this place, but as the house, whose servant I am, is pleased to direct me; and I humbly beg your Majesty's pardon, that I cannot give any other answer than this to what your Majesty is pleased to demand of me." Satisfied that the accused members were absent, Charles said, "Well, since I see that all the birds are flown, I do expect that you will send them to me as soon as they return; but I assure you, on the word of a king, I never did intend any force, but shall prosecute them in a fair and legal way, for I never meant any other. And now, since I see I cannot do what I came for, I think this no unfit occasion to repeat what I have said formerly, that whatso-

ever I have done in favour, and to the good of my subjects, I mean to maintain it. I will trouble you no more, but tell you I do expect that, as soon as they come to the house, you will send them to me; otherwise I must take my own course to find them." With this he retired in some confusion, amid a cry from many members of "privilege, privilege." The house instantly adjourned till the following day at one o'clock *.

The impeached members removed that afternoon into the city for protection, and during the whole evening the citizens were in arms. Such was the general perturbation, that a cry was repeatedly raised, that the cavaliers, with the king at their head, were coming, some said, to fire the city. Charles, on his part, issued a proclamation to stop all the ports, lest the accused should escape from the kingdom, and to prohibit all from entertaining or harbouring them †.

* Journals of the Commons, vol. ii. p. 366, *et seq.* Rush. vol. iv. p. 473, *et seq.* Rushworth had taken the king's speech in characters, and his majesty having observed him writing, sent for him, and demanded the copy, which he himself immediately published for the satisfaction of his subjects. Nalson, vol. ii. p. 810, *et seq.* Whitelocke, p. 623. Clar. vol. ii. p. 356, *et seq.* Ludlow, vol. i. p. 21, *et seq.* Hutchinson's Mem. vol. i. p. 144. Old Parl. Hist. vol. x. p. 157, *et seq.* Cob. vol. ii. p. 1005, *et seq.* Mem. par Mad. de Motteville, tome i. p. 261-7.

† Clar. Vol. ii. p. 360. This writer pretends that people were deputed to raise the alarm; but whence did he learn that? He tells us that the members had nothing to apprehend, and merely feigned terror out of policy; yet, in the same breath, he informs us, that Lord Digby, whom he alleges, with what truth we shall examine by and bye, to have been the sole adviser of this breach of all faith and pri-

The king goes into the city, 5th Jan.

On the following morning he resolved to go in person to the city, under the pretext of demanding the persecuted members, but in reality to gain, if possible, the support of a party there. Orders were therefore sent to the Lord Mayor to call a Common Council; and Charles went to Guildhall with only four attendants, to shew the citizens how much he relied on their affections. But the temper manifested by the people in his progress through the city, might have convinced him that the

vilege, himself proposed to go into the city, "with a select company of gentlemen, *whereof Sir Thomas Lunsford was one*, to seize upon them and bring them away alive, or leave them dead in the place; but the king liked not such enterprises." When the king had gone so far by this person's counsel, would it have been strange had he gone a little farther? and will it then be said that there was no ground for apprehension? The same writer says elsewhere, (Supplement to third volume of State Papers, p. 66, character of Digby,) that when Digby perceived the consequences of his advice, "his great spirit was so far from failing, that when he saw the whole city upon the matter in arms to defend them, knowing in what house they were together, he offered the king, *with a select number of a dozen gentlemen*," (what! encounter the whole city, whose trained-bands were commanded by a very able and experienced officer, with only a dozen?) "who he presumed would stick to him, to seize upon their persons dead or alive, and without doubt he would have done it, *which must likewise have had a wonderful effect.*" What he means by these last words may be surmised from an observation which he elsewhere makes, at the very moment that he pretends to condemn the proceeding—that they should have been secretly seized, and sent to distinct and close custody, which would have broken the spirit of the houses. Hist. vol. ii. p. 391. Yet he admits that all their offences had been committed in the parliament. Misstatement ever involves itself in inconsistency. To condemn the popular proceedings and exculpate the king, Clarendon pretends that there was no purpose to seize them while they were in the city; but then he forgets that, in that case, Charles's motive for going to the House of Commons must have been very different from that of seizing them whom he believed guilty of high treason.

task he had undertaken would be fruitless. They thronged round his carriage, "and humbly entreated that he would be pleased to agree with his parliament, and not infringe its privileges." The becoming reverence with which they thus sent up their petition, did not render their language the less impressive. One alone, of all their number, Henry Walker, an ironmonger and pamphleteer, offered an insult to their misguided prince, by casting into the coach-window a paper, in which were written the words, "To your tents, O Israel," the language of the ten tribes who forsook the foolish and wantonly tyrannical Rehoboam. For this seditious insolence, which does not appear to have received any countenance from the general demeanour of the citizens, Walker was committed, and prosecuted at the next sessions.*—At Guildhall, Charles told the Council that he had come to demand such persons as he had already accused of high treason, and whom he believed to be con-

* Clar. vol. ii. p. 361. This author has the effrontery to say, that Walker cried with a very loud voice, "To your tents, O Israel!" and is of course followed by Hume, who has yet the confidence to quote Rushworth for it. Rushworth's statement is in these words: "The same day his Majesty was also pleased to go into London, *with his usual attendants*, and in his passage some people did cry aloud, privileges of parliament! privileges of parliament! and one Henry Walker, an iron-monger and pamphlet writer, threw into his majesty's coach a paper, wherein was written, "To your tents, O Israel," for which he was committed, and afterwards proceeded against at the Sessions." Vol. iv. p. 479. See also May, lib. ii. p. 26, 27, who describes the conduct of the mob as very humble. See also Husband's collection of State Papers, p. 126. whence Clarendon, the author of that very State Paper there referred to, could not be mistaken.

cealed in the city; that as their offences were treason and misdemeanors of a high nature, he trusted no good man would detain them, and he desired their assistance that the accused might be brought to a legal trial: That there were divers suspicions raised that he was a favourer of the popish religion; but he professed, in the name of a king, that he ever had been, and would be to the utmost of his power, a prosecutor of all such as any ways opposed the laws and statutes of this kingdom, either papists or separatists, and would ever defend the true protestant faith, which his father professed. After this address he departed from the assembly without any of that applause and cheerfulness which he had anticipated from his condescension—a result which must have been the more poignantly mortifying, considering the well-known extreme loyalty of the Lord Mayor, and his Majesty's late splendid reception through his Lordship's activity. To conciliate the city farther, he proposed to dine with one of the sheriffs, who, of the two, was least inclined to promote his views; but, though he was nobly entertained, and returned in the evening to Whitehall without receiving the slightest mark of disrespect in his passage, the whole occurrences of the day only taught him that the confidence of the city was irrecoverable*.

Both houses adjourn till the 11th. The Commons appoint a committee to sit in the interim in Guildhall.

Both houses of parliament assembled on the same day, and the Commons voted a declaration upon the gross violation of parliamentary privile-

* Clar. Vol. ii. p. 361.; Rush. Vol. iv. p. 479, 480.

ges, and stated that, till their privileges were vindicated, and a guard allowed, it would be impossible for them to discharge their duty as a branch of the legislature. They therefore resolved to adjourn for a few days, till the 11th, that the king might have an opportunity to afford proofs of a change of conduct. But they appointed a committee of certain individuals, with whom, however, all who chose to attend might vote, to sit at Guildhall in the mean-time, for the purpose of investigating the facts relative to the breach of privilege, and consulting with the citizens both on it and on the affairs of Ireland. The Lords adjourned to the same day

Evidence led before the committee regarding the breach of privilege.

The evidence led before the committee regarding the king's forcible entrance into the House of Commons was soon published, and must have satisfied all unprejudiced men of the desperate feelings with which his followers were then actuated. It was to this effect: That the number which accompanied him on that occasion was about 500, (the lately enlisted guards out-numbered his gentlemen pensioners or ordinary attendants,) and that they were armed with swords, pistols, and other weapons; that the new guard having pressed forward to the door of the house, placed themselves between it and the king's ordinary attendants, and there brandished their swords, while individuals of them, holding up their pistols, openly used such

* Journals of the Commons, vol. ii. p. 368. Old Parl. Hist. vol. x. p. 166, *et seq.* Cobbet's, vol. ii. p. 1002. Rush. vol. iv. p. 476, 479.

language as this, "I am a good marksman, I can hit right I warrant you;" and that they would not allow the door to be shut according to custom, declaring that they were resolved to support their party: That, when several of the members approached, and their servants called out to make room for them, "some of this new species of soldiery answered, "A pox, Gad confound them!" while others exclaimed, "A pox take the House of Commons, let them come and be hanged; what ado is here with the House of Commons?" That, besides this, they assaulted the servants of the members, and, with many oaths, expressed their regret at the absence of the accused members; nay, that some of them cried, "when comes the word;" and that when asked the meaning of that expression, they answered, that "questionless, in the posture they were set, if the word had been given, they should have fallen upon the House of Commons, and have cut all their throats." The reader will bear in mind that these were not common soldiers, whose language might be partly the offspring of ignorance; but individuals who had been officers of the late army,—who had entered into this service out of alleged principle, and who were feasted and caressed in an extraordinary manner at Whitehall! Can it then be doubted that they would not have uttered such sentiments unless they had known them to be congenial to those of their master? Had it been otherwise, he would have been eager himself for the punishment, at least by dismissal from his service, of a set of men against

whom such daringly profligate conduct was established; yet they appear to have recommended themselves by it, and he was anxious to promote them *. Besides all this, their threatening language against the parliament had already been complained of by the Commons in a petition to the throne. But there was another important fact fully established by evidence before the committee:—That, on the very day on which the outrage was committed, a hundred stand of arms, and two barrels of gunpowder, with match and shot in proportion, were sent from the tower to Whitehall, with

* Journals of the Commons, vol. ii. p. 374. Rush. vol. iv. p. 484, *et seq.* The number that accompanied the king is generally called about 300, though the evidence makes it 500. I conclude that the 300 already mentioned, were exclusive of the ordinary attendants, whom they outnumbered. Mr. Hume, as a matter of course, derides this examination into the language and menacing gestures of the king's followers, as if it had been unworthy of notice.—That these men were officers, we have the king's admission, Husband's Col. p. 108. As to their having been thanked, &c. afterwards, see even Digby's admission, Nalson, vol. ii. p. 865. Mr. Hume here, as elsewhere, affects to sneer at the popular party for attributing the king's advice to papists, (which they did not in the papers alluded to)—a way by which he really appeals to the prejudices of his readers, and yet the same author makes this altogether a war of religion! Were the papists the only party in the state who were quite indifferent to religion? or was the existence of such a party like witchcraft—altogether ideal? Had the learned author forgotten the various conspiracies, &c. during Elizabeth's reign?—the gun-powder plot during the preceding reign?—the late intrigues of foreign states on this subject?—the innovations by the court faction?—the Irish insurrection; and the encouragement of the papists there by the pope and foreign princes? We may well disapprove of the Parliament's intolerance; but assuredly it is not too much to presume, that the Catholics were actuated with as much zeal as the Protestant parties, and it is not requisite to suppose more, particularly considering their political tenets.

the Lieutenant's knowledge*. It will also be remembered that the gentlemen of the Inns of Court, who had previously been gained over, were told to be in readiness at an hour's warning.

The city's petition to the king.

On the 7th, two days after the adjournment, the lord mayor, aldermen, and common council, presented to the throne a petition, in which, after adverting to the dangers, fears, and distractions, into which the city had been plunged by the progress of the bloody rebels in Ireland, (who were countenanced by papists and their adherents in England,) and the want of forces to suppress that rebellion, together with the intimations, foreign and domestic, which they had received of designs to extirpate the Protestant religion with the liberties of the subject; to the removal of persons of honour and trust from the offices of constable and lieutenant of the Tower, and the late warlike preparations there; to the fortifying of Whitehall, and the provoking language and violence used by his new guard to the citizens; and to the conduct of the gentlemen of the Inns of Court; and his Majesty's late entrance into the House of Commons, with such a band of armed attendants, besides his ordinary guard—They prayed that he would relieve the Protestants of Ireland by the advice of his grand council; remove suspicious persons from the Tower, and put it into the custody of trust-worthy characters; appoint a known and approved guard for himself and the parliament;

* Rush. vol. iv. p. 480.

and, lastly, remove all restraint from Lord Mandeville or Lord Kimbolton, and the five members of the lower house, and only proceed against them according to the privileges of parliament. The royal answer to this petition was by no means satisfactory: That he imagined he had been sufficiently explicit at Guildhall; but that he now added some particulars for their information: 1st, That it was impossible for them to feel more than he had expressed on the business of Ireland, yet that his zeal would be farther manifested by a declaration that he meant to set forth, and he hoped that great and necessary work would soon be advanced by the advice and assistance of parliament: 2dly, That, with regard to the Tower, as he had already removed one servant of trust and reputation, (this was Lunsford!) to satisfy the city, and had substituted another of known ability and unquestionable character, he wondered at their groundless fears; and as to the preparations for farther fortifying the Tower, he deemed them as necessary for the city as for his own safety, and should ever employ them for the protection of both: 3dly, That the fortification of Whitehall, and the guard he had lately enlisted, were rendered necessary by the seditious language and tumultuary conduct of the populace: 4thly, That as for the gentlemen of the Inns of Court, there was nothing censurable in regard to them; for that they, conceiving that his safety might be endangered, had merely expressed their good intention, and "he had received the tender of their loyal and dutiful affections with

King's answer to the city's petition.

very good approbation and acceptance;" that, "for his going to the House of Commons, when his attendants were no otherwise armed than as gentlemen with swords," he is persuaded, that if the petitioners knew the clear grounds on which the five members stand accused of high treason, they would believe that his going thither in so gentle a way was an act of grace and favour, since he is well assured that no privilege of parliament can extend to treason, felony, or breach of the peace: and, lastly, That he ever intended to proceed against the accused with all justice and favour, according to the laws and statutes of the realm, to which the innocent would cheerfully submit; "and," says he, in conclusion, "this extraordinary way of satisfying a petition of so unusual a nature, his Majesty is confidently persuaded will be thought the greatest instance that can be given of his clear intentions to his subjects, and of the singular estimation he hath of the good affections of this city, which he believes in gratitude will never be wanting to his just commands and service *."

Far from abandoning the prosecution of the Lord Mandeville, and the five members of the lower house, Charles, on the 8th issued out a proclamation to apprehend them; but, on the 10th, he left London, to which he never returned till he was brought thither as a prisoner †.

King leaves London, 10th Jan. 1642.

The views with which he took this important

* Clar. vol. ii. p. 36, 369—371. Rush. vol. iv. p. 480—482.
† Rush. vol. iv. p. 482—484.

step, and with which he had acted in all his late measures, it is now our province to develope.

Necessity alone had prevailed with Charles to summon a parliament; but that assembly had not sat long, as we have seen, before he entered into plots for its destruction. The views with which he undertook the journey to Scotland were partly defeated by the failure of the Incident; but the disappointment in that plot did not divert him from his mischievous designs. We have already seen, that as the act for tonnage and poundage, which had been passed before his departure for the north, expired on the 30th of November, and the duties were absolutely requisite for the exigencies of state, his ministers were alarmed by a wish expressed by some timid members of parliament for a fresh adjournment, on account of the plague which then raged in the metropolis; but that Charles, regardless of pecuniary embarrassments, though these alone had moved him to convene the legislature, instantly commanded his servants "to have the ajurnement furthered by anie means;" or, as the next best plan, to obtain an adjournment to Cambridge—a place doubtless better calculated for his projects. We have also seen that he was at the same time attempting to raise money upon his large collar of rubies, which had, for that purpose, been sent into Holland; while his correspondence breathes revenge against the popular party in parliament, and bespeaks a strange confidence in his own resources to frustrate their expectations. His whole subsequent conduct

The royal policy.

evinced that he was fully resolved to destroy the legislative assembly, which he could not overrule; and as, not to mention the act which he had passed to prevent their dissolution, &c. without their own consent, it is evident that, in the event of his dissolving this parliament, another would have just been composed of the same materials, and have come with a still more resolute spirit from the breach of law and faith with the preceding, he must have been determined to set up a government of the sword. The parliament (whether their fears were well founded or not, or even feigned, would in this view be a question of no importance,) had deemed it proper to have a guard for its own security, and, in ordering one, arrogated no more than what is allowed to every court and every petty borough: yet Charles immediately dismissed it; and, as if he had been wiser than his grand council, derided their fears, while he himself proposed to give them a guard under the command of one of his own creatures. Had the two houses consented to this, it is easy to perceive what an opportunity it might have afforded of surrounding them with military, and overawing their deliberations; and it does not appear upon what principle the arrangement which they had formed could be challenged. It is vain to argue that it interfered with the king's right to command the military; and it is equally so, that it insulted the sovereign, by implying that danger was apprehended from him; since, if he truly repented of his former conspiracies against the legislature, he would not have resented

their suspicions of him, till he had evinced, by his subsequent measures, that he had become an altered man; and the true way to disarm their groundless fears, was by yielding to their plans of security. If, on the other hand, he did not repent of his past measures—which his increasing favour towards the very individuals who had even confessed the plots, nay, who had implicated him, fully proved that he did not—it is perfectly evident that he was prepared to repeat them. But, if this applied to his conduct in the first instance, it did infinitely more so afterwards, when he had himself collected such a band of desperate characters in the form of a guard, and fortified Whitehall, under the pretext of apprehending danger from the tumults at Westminster; and first encouraged Digby to allege that this was not a free parliament, and then ordered the lord keeper, who had also in his own person thrown out a hint to the same effect, to present the protestation of the bishops. The upper house had refused to concur with the lower in a petition for a guard; but it should be borne in mind, that it was the court-party, including the bishops, who had outvoted the popular portion of the house; and therefore it does appear extraordinary indeed, that the very same individuals who refused their assent to a measure which would have afforded them ample protection, should have protested against all acts passed in their absence, because they had been prevented from free access to the house by the factious multitude. The grand assumption of royalist writers is, that a minority in

parliament, by combining with the turbulent citizens, drove away the well-disposed members, and thus left themselves to carry measures which would otherwise have been indignantly rejected. But these apologists of Charles forget that, had the wish of the popular party for a guard been acceded to, nothing of the kind could possibly have happened. It is self-evident that, as a guard nominated by both houses could never, unless perhaps in conjunction with the king, have been able to master them, it must have been under their controul, and could at once have been dismissed or new-modelled by them, if it shewed any disposition to promote the views of the minority, who could have had no official voice in commanding it. For the orders issued to the guard must have been according to the votes or resolutions of both houses, and have thence necessarily conveyed the will of the majority: Hence it is quite obvious, that Charles, in obstinately refusing a guard, while he congregated so strange a one for himself, and encouraged the prelates to offer their protestation, had no other object than the annihilation of the parliament. That the bishops, to save themselves, eagerly grasped at the suggestion, and adopted the views of the court in respect to a guard, is without question; but the most satisfactory proof of the origin of the device is, that it was just the counterpart of the treacherous plan recommended by Charles, in the year 1639, to the Scottish prelates, in order to afford a pretext for annulling the proceedings of the assembly and parliament, whose acts he had solemnly

engaged to ratify. The result of this device strengthened the popular party, and then followed the impeachment of the six members, with the extraordinary entrance into the lower house; a proceeding which was again an approximation to the incident, and founded upon the erroneous notion that deceived Charles and his advisers throughout his reign, and has been ever adopted by historians,—that the individuals who, by merely acting as the organs of the public will, were enabled to take the lead in affairs, created the general sentiments which they only expressed. The articles against the members had been furnished by the king himself to the attorney-general, who declared to the parliament that he had neither ground nor information of any kind to proceed upon but the command of his master; and in so far as they regarded the invitation to the Scots to invade the kingdom, were a breach of all law and faith, since the act of oblivion by the treaty with Scotland was expressly provided to preclude for ever any question on that ground *. The measure was, be-

* It was agreed unto by the treaty with the Scots, "that an act of oblivion be made in *the parliaments of all the three kingdoms*, for burying in forgetfulness acts of hostility, whether between the king and his subjects, or between subject and subject, or which may be conceived to arise upon the coming of any English army against Scotland, or coming of the Scottish army into England; or upon any action, attempt, assistance, counsel, or advice having relation thereunto, and falling out by the occasion of the late troubles preceding the conclusion of the treaty, and the return of the Scottish army into Scotland: That the same, and whatsoever hath ensued thereupon, whether trenching upon the laws and liberties of the church and kingdom, or upon his majesty's honour and authority, in no time hereafter

sides, absurd, considering the large sum which had been given to the Scots for their brotherly assistance. Hence it is evident that men, far from having any security in the royal engagements, derived none from the solemn enactments of the legislature, since even this article shewed that he did not conceive himself bound by the statutes which he had passed. This, however, was farther evinced by other articles, whereby the six members were arrainged of high treason for having procured the passing of bills in the respective houses. If they were guilty of the highest offence known to the law for their conduct in parliament, it is incontestible that those who joined them were also criminal: and as these composed the majority, it is doubtless that when the houses were, as was anticipated, quelled by the ruin of their leaders, the majority would have been exposed to the royal vengeance, which would only have been, in some measure, averted by their undoing whatever had been done, or, at least, by the popular party's desertion of the parliament, so that the court faction might act without controul; and that, whether they were proceeded against as thus guilty,

may be called in question, nor recited as a wrong, national, or personal, whatsoever be the quality of the person, or persons, or of whatever kind or degree, civil or criminal, the injury is supposed to be; and that no mention be made thereof in time coming, neither in judgment, nor out of judgment, but that it shall be held and reputed as though never any such thing had been thought or wrought," &c. By the act of pacification this and other articles were ratified in the strongest manner.

or were allowed to escape as having been forced into measures hurtful to the prerogative, all the late statutes, which were so magnified by the royal adherents as mighty concessions to liberty, fell, as a matter of course, to the ground. The king's professions, therefore, of extreme regard for the privileges of parliament, and of a purpose to preserve inviolate the late laws, were so belied by this proceeding, as to be productive of nothing but utter distrust, not to say more, of a prince capable of such gross hypocrisy.

Lord Clarendon informs us, that, through the recommendation of Lord Digby, Lord Falkland, Sir John Colepepper, and himself, had lately become the official advisers of the king, (Falkland having been made secretary of state, Colepepper chancellor of the exchequer, and himself having been offered the place of solicitor-general, which, from prudential motives, he then declined,) and that Charles had assured them that he would take no step whatever without their knowledge and approbation; but that, in this prosecution of the six members, he had been induced by Digby, whose advice alone he followed on the occasion, to violate his engagement, and proceed to such extremities without their knowledge; and that the same Digby, who had promised to support the impeachment in the upper house, having perceived its effect upon that assembly, "never spoke the least word, but, on the contrary, seemed the most surprized and perplexed with the attorney's impeachment; and sitting at that time next the Lord

Kimbolton, *with whom he pretended to live with much friendship,* he whispered him in the ear with some commotion, (*as he had a rare talent in dissimulation,*) that the king was very mischievously advised; and that it should go very hard, but he would know whence the counsel proceeded; in order to which, and to prevent farther mischief, he would go immediately to his majesty, and so went out of the house. Whereas he was the only person who gave the counsel, named the persons, and particularly the Lord Kimbolton *," &c. Such was the character of Clarendon's own friend, and the adviser of his master.

Even, according to this statement, the most apparently confidential advisers of this king could not depend upon him, since he might at any time the most unexpected, unknown to them, be carried by secret counsels into the most indefensible and irretrievable measures. But Charles could not have been always surrounded by individuals who persuaded him into the adoption of pernicious projects; and the inference is, not that he was unfortunate in his selection of advisers, but that he selected them for the very qualities which led to his ruin; and that they advised what they perceived to be agreeable to their master. The proceedings against the six members, however, are with no justice ascribed to Digby, since they had been resolved upon before the king left Scotland;

* Clar. Hist. vol. ii. p. 340, *et seq.* p. 359, 360. Life, p. 45, *et seq.* p. 88, *et seq.* Append. to vol. iii. of State Papers, character of Digby.

and the utmost that could with propriety be imputed to that nobleman is, that having dived into the purpose, he tried to ingratiate himself by recommending what he saw had been previously determined upon *. But Clarendon's veracity is not remarkable, and it is inconceivable, 1st, that the charge could have been given to the attorney-general, and also orders to Sir William Fleming, Sir William Killigrew, and other gentlemen; 2dly, that arms and ammunition should have been brought from the Tower to Whitehall; the gentlemen of the inns of court commanded to be in readiness; the king's followers prepared to act so desperate a part, &c. all without even the suspicion of Hyde and his coadjutors; and nothing can be more evident than that, as proclamations were afterwards issued, &c. they at least adopted the measure which they disclaimed †. But the truth is, that Clarendon, even in his history, does not in reality object to the baseness of the measure. He quarrels a little with the expediency, in consequence of the king's want of resources to carry the matter fully through with a high hand; but he chiefly quarrels with the execution, and with

* See Correspondence between the king and Nicholas, in Append. to Evelyn's Mem.

† Some of the contradictions and inconsistencies of Clarendon's statements have been already exposed; and I think it impossible that he should be ignorant of a measure which so many were acquainted with, though it is very likely that Charles and Digby wished to conceal it; and that he and the others having winked at what was going onward, condemned it when they saw the result.

the selection of some of the individuals, for that "Lord Kimbolton was a civil and well-natured man, and had rather kept ill company, than drank deep of that infection and poison that had wrought upon many others; and that Sir Arthur Haslerig and Mr. Strode, were persons of too low an account and esteem, and though their virulence and malice was as conspicuous and transcendant as any man's, yet their reputation and interest to do mischief, otherwise than in concurring in it, was so small, that they gained credit and authority by being joined with the rest, who had indeed a great influence *." "I am sure," says he in another place, "they who out of conscience and loyalty to their king and country, diligently attended the public service, were strangely surprised at the matter and manner of that accusation, and foresaw from the minute the infinite disadvantages it would bring to the king's affairs. Not that they thought the gentlemen accused less guilty; *for their extreme dishonest acts in the house were so visible, that nothing could have been laid to their charge incredible;* but the going through with it, was a matter of so great difficulty and concernment, that every circumstance ought to have been fully deliberated, and the several parts distributed into such hands as would not have shaken in the execution. And the saying that the king had not competent persons enough, whom he might trust in so important a secret, (which I believe was

* Clar. vol. ii. 377. c. 8.

true,) is rather an argument that the thing was not to be attempted at all, than that it was to be attempted in that manner; for whoever would have betrayed the trust, would be sure to find fault with it, when it was endeavoured without him, especially if it miscarried. The truth is, there was little reason to believe that the house of peers would commit the Lord Kimbolton, upon the accusation of Mr. Attorney in that conjuncture of time, and less that the house of commons would deliver up the members to the sergeant-at-arms when they should be demanded, which was an irregular thing, and implied unreasonably that they had some power to keep them who were desired to deliver them. *Yet if the choice had been better made, and the several persons first apprehended and put into distinct close custodies, that neither any body else should have heard from them, nor they from one another, all which had not been very difficult, the high spirit of both houses might possibly have been so dejected, that they might have been treated withal.*" With notable inconsistency, he says in the next sentence, that "that attempt" which he thus informs us, "had not been very difficult," that is, if it mean any thing, might have been easily accomplished with the king's resources, "had been too great for the solitary state the king was in at this time, which was most naturally to be improved by standing upon his guard, and denying all that was in his power to deny, *and in compelling his ministers to execute the law in those cases that demonstrably concerned*

the public peace *" Such were the principles of the good Lord Clarendon—of the most moderate of the royal confidential advisers; but, indeed, he even, if possible, developes worse principles elsewhere, when he says, that if the proposal of Digby to go with a select party, (of whom Lunsford was to be one,) into the city, to seize the persons of the six members, "*dead or alive*," had been acceded to, "without doubt he would have done it, *which must* LIKEWISE *have had a wonderful effect*†."

"The king," says Mr. Hume, "apprehensive of danger from the enraged multitude, had retired to Hampton Court, deserted by all the world, and overwhelmed with grief, shame, and remorse, for the fatal measures into which he had been hurried. His distressed situation he could no longer ascribe to the rigours of destiny, or the malignity of enemies: His own precipitancy and indiscretion must bear the blame of whatever disasters should henceforth befal him. The most faithful of his adherents, between sorrow and indignation, were confounded with reflections on what had happened, and what was likely to follow. Seeing every prospect blasted, faction triumphant, the discontented populace inflamed to a degree of fury, they utterly despaired of success, in a cause to whose ruin, friends and enemies seemed equally to conspire." The picture is pathetic; but unfortunately for that prince's subjects it is not true: The monarch whose breast was open to such generous grief, shame, and

* Clar. vol. ii. p. 390, 391.

† Append to 3d vol. of State Papers, p. 56

remorse for his misconduct, would have endeavoured to retrieve his error, and have thus spared his people all the misery that ensued. Nor has this author an apology for his statement, which, with the denial of the army-plots, against the clearest evidence, the incident, &c. is the basis of all his subsequent charges against the parliament, for forcing Charles into a war, since the inadvertent admissions of Clarendon, admissions at direct variance with his general apology for his master, consequently, the more valuable, (for as the confidential adviser of the king, he could not possibly be deceived,) are of so contrary a description *. The monarch who is represented as having retired from Whitehall, so overwhelmed with a sense of his fatal rashness, left it with a determination to resort immediately to military operations against his grand council.

* The whole complexion of this part of Mr. Hume's history turns upon this—that the parliament affected fear, and raised false rumours of danger, in order to inflame the populace, and afford a pretext for virtually dethroning the sovereign. Admit, therefore, that real plots of the most atrocious kind had been formed against the parliament, and that war, or rather military force, for Charles expected to be able to crush the national council, before it could be prepared for defence, had been resolved upon, and the character of the historian's statement is completely destroyed. He dwells too in generalities, and confounds dates to aid his erroneous representations of things; therefore, I have been particularly careful to follow the real course of events. To me the tone of this portion of Mr. Hume's work particularly, appears unnatural, since the parliament, by his account, does not seem to have acted with ordinary rationality; but I suspect it is this which has rendered his writing so successful. He proceeds upon the assumption, that the majority of both houses and of the age were silly fanatics, and the mass of readers feel their vanity gratified by a sense of intellectual superiority to former times.

When the late army was disbanded, all the artillery, ammunition, and arms, of which there were 16,000 stand, were deposited in Hull. In the neighbourhood of that town, the Earl of Newcastle, who, in the language of the times, was an inveterate malignant, had vast influence; and a great portion of the inhabitants, who appear to have inclined to the Catholic superstition, were disaffected to the parliament. Thither therefore Charles, *before his departure from Whitehall*, secretly dispatched that nobleman, with a commission to take possession of the town and magazine, and draw in as many of the trained-bands as the earl deemed necessary and could rely upon, the king intending himself to follow as soon as matters were ready for his reception; while the queen, who had prevailed upon Goring to engage to surrender Portsmouth, in spite of his pledge to the parliament, was to proceed directly to that strongly fortified town, in order to take possession of it, as being the most important in the south, as well as the magazine for arms in that district *. The tower was already in the custody of a man who could be

* Clar. vol. ii. p. 388, 389, 417, 418. Journals of the Commons for January 11, *et seq.* 1642. Old Parl. Hist. vol. ix. p. 1027. Rush. vol. iv. p. 564. William Legge, one of those deeply concerned in the army-plot, was also employed to secure Hull. This individual, by his evidence implicated Charles, yet so great a favourite was he, that he even went by the name of honest Will Legge. He was ancestor of the Earls of Dartmouth. The Earl of Newcastle was suspected, on good grounds, of having been also engaged in the army-plots. The queen would appear to have gained a promise of Goring, before the king's return from Scotland, to surrender Portsmouth. Mem. par Mad. de Motteville, tome i. p. 263.

depended on, and a vessel with additional arms had just arrived from Berwick.

It is true, that the same Lord Clarendon to whom we are indebted for this important, but inadvertent, development of the royal purpose, tells us, that Charles intended, "that being secured in those strong places, whither they who wished him well might resort and be protected," "he would sit still, till they who were over active would come to reason*;" but no one can believe, that since he conceived military force necessary against a parliament, he would have failed to make an active use of it; and the idea is inconsistent with his whole conduct, the principles of his most moderate advisers, and the very nature of things. The conduct of an assembly which justified his retiring to a place of strength, justified him also in dissolving it; and as conservator of the public peace, he was bound to quell the disorders which arose from the factious spirit engendered by the parliament, and, consequently, to march directly to the capital. In that event, too, the prosecution of the six members would not have been dropt; and it is easy to perceive the application of the principle laid down by Clarendon, that the king, while he stood on the defensive, should have compelled his ministers to execute the law in those cases that concerned the public peace. As the majority in both houses, too, had been equally guilty with the six impeached members, it is not to be imagined that Charles would have allowed them to triumph in security.

* Clar. ibid.

A parliament without power is no parliament; and as the general affairs of the kingdom could not have stood still, matters must soon have terminated in a direct use of the military. Taxes were necessary for the public exigencies; and even the last act of tonnage and poundage, duties which could not be dispensed with, was about to expire. But, under such circumstances, the parliament never would have voluntarily imposed taxes, and, therefore, Charles must either have overawed them, or levied taxes in his former despotical manner, and thus have let in a flood of arbitrary power, which swept before it all constitutional principles. After this there remained no alternative for the monarch, if he had desired it, which none who reviews his measures can believe. If doubt remained, it would be removed by the promise which Clarendon, directly against the tenor of those statements by which he would throw the odium of beginning the war upon the parliament, admits that the queen, who distrusted her husband's firmness, exacted of Charles, before she left England,—that he should not make peace with the parliament without having first obtained her consent. War did not commence for months afterwards; yet it is evident from this, that war, of so implacable a nature as to preclude the idea of accommodation, was then fully resolved upon.

The prompt measures of the two houses, particularly of the commons, who procured intelligence of the most secret plots of the council—for which both they and their informers are reviled by Clarendon—a farther proof that he regretted the fail-

ure, not the conception of such designs—frustrated the royal purpose, and obliged him to temporize for months. But to such extremity had matters proceeded, that immediately after the removal from Whitehall, his desperate band of discarded officers, at least 200, with Lunsford at their head, having retired to Kingston upon Thames, and where lay the magazine of the county, appeared in a warlike manner; while Digby having gone to them by the royal command, thanked them for their offer of, and accepted of, their services in the king's name; assuring them that his majesty had brought them thither to prevent their being trampled in the dirt in London, and that he would amply reward their loyal attachment *. Ammu-

* See Journals of the Commons, vol. ii. p. 373, 376, 379, *et seq.* Husband's Col. of State Papers, p. 202, *et seq.* Cobbett, vol. ii. p. 1036, *et seq.* Whitelocke, p 54. Nalson, vol. ii. p. 845, *et seq.* Digby's own apologetical defence of himself after his flight—a defence intended to aid the royal cause—is well worthy of notice: That after the rudeness and violence of the rabble drove their majesties to Hampton Court, he by command attended them. "In this short journey," says he, "*many soldiers and commanders,* (who had assembled themselves jointly to solicit payment of their arrears for the late northern expedition *from the two houses of parliament,*) waited on their majesties, and, leaving them at Hampton Court, provided their own accommodation at Kingston, the next place of receipt, and still so used for the overplus of company which the court itself could not entertain. To these gentlemen, of whom few or none were of my acquaintance, and to this place was I sent by his majesty, with some expressions of his majesty's good acceptance of their service, and returning the same night to Hampton Court, continued my attendance to Windsor, whither their majesties then repaired. I had not been there one day, when I heard that both houses of parliament were informed, that I and Coll. Lunsford, a person with whom I never exchanged twenty words in my life," (indeed! when, according

nition, large saddles, with arms, were likewise arrested in their passage thither; and it may be inferred, that the failure of the design upon Hull and Portsmouth, with measures that prevented

to Clarendon, he was one of the very men—the only one named, with whom you proposed to go into the city to take the six members, dead or alive, on the evening of the 4th!) "had appeared in a warlike manner at Kingston, to the terror of the king's lieges, &c. When first this news was brought me, I could not but slight it as a ridiculous rumour;-for being most certain that I had never been at Kingston, but only upon that message of the king's to forty or fifty gentlemen totally strangers to me, with whom I stayed not the space of half an hour at most, in no other equipage than a coach and six hired horses, with one single man in the coach with me, and one servant riding by, I thought it utterly impossible for the most romancy itself, at so near a distance, to raise out of that any serious matter of scandal or prejudice upon me." Id. p. 865. Now, the want of veracity in Digby has already been fully established, and therefore his relation is of small value in his own favour, or that of the cause he espouses, but it is of much against both. Why this concourse to Kingston of *many soldiers and officers*, whose business was with both houses of parliament? Why the message by Digby to them? The evidence led by parliament, then, comes to us without suspicion, and it was of a very black aspect. Indeed Digby had no time to do more than see these men once, because on the very day after Charles left Whitehall, Parliament interposed to frustrate the design on Hull and Portsmouth, without which any attempt at Kingston could never succeed; and it was only on the 12th, the day on which Charles removed to Windsor, that Digby's attempt was directly defeated by the measures of both houses. Clarendon's statement, vol. ii. p. 383, 384. is very uncandid, and is at direct variance with dates. But what shall we say to Mr. Hume's, who, in the face of Digby's own admission—an admission calculated to make a favourable impression for the cause in which he had embarked, as well as to screen himself—says, "*Lord Digby having entered Kingston in a coach and six, attended by a few livery servants*, the intelligence was conveyed to London; and it was immediately voted that he had appeared in a hostile manner, to the terror and affright of his majesty's subjects, and had levied war against the king and kingdom." I cannot guess what that author's feelings were, when he sat down gravely to write so.

danger from the Tower, the raising of the adjoining counties to disperse the forces at Kingston, and stopping of all levies under the pretext of intending them for the service of Ireland, alone changed the current of affairs at this juncture, by preventing a levy of troops, and obliged Digby, who was thence accused of high treason, to abscond.

As, without supplies from the English parliament, Charles was destitute of the means to raise a force capable of quelling the Irish rebellion, the settled plan to destroy the constitutional assembly is altogether inconsistent with his professions on the Irish affairs. His language on that subject, however, did not exceed the expressions of the Lords of the Pale, before they openly joined the insurgents; and it was the misfortune of this prince to have justly forfeited all confidence in his word *. His religious predilections have already been amply developed, and he was now under the pernicious influence of the queen. It is not, therefore, very wonderful that he should not have been over-much disposed to protect the Irish Puritans, at the expense of a body who affected to rise in defence of his prerogative, at the same time that he had resolved on measures pregnant with the ruin of whatever was deemed most valuable—

* Immediately after the incident, Charles addressed the Scottish parliament, to which he professed his innocence, "with teares in his eyes, (and as it seemed) in a very grate grieffe," (Balfour's Diurnal, p. 104.) It thus appears that he could weep upon occasion, though he heard of his dear friend Buckingham's assassination with perfect composure.

of all their political and civil franchises—of the people of England. True it is, that his conduct in regard to Ireland, had the extraordinary and unhappy, yet necessary effect of retarding, or frustrating rather, the relief of that wretched country. We have seen, that the lord-lieutenant was ordered by the parliament to raise volunteers or recruits by beat of drum; but that the commons, at the same time, proposed a bill for pressing soldiers, into which they inserted a clause against the legality of pressing, without the intervention of the legislature, unless the kingdom were invaded by a foreign power. Now, it has been alleged, that the design of the commons was merely to wrest from the crown a power inherent in it, since, considering the late disbandment of the army against the Scots, there could be no want of volunteers. But the power arrogated by the sovereign was a usurpation incompatible with law; and, if Charles had been sincere in his other concessions, he would not have hesitated, especially at such a juncture —when delay was pregnant with so many calamities—to have yielded this point also, without which all the late provisions in favour of public liberty were nugatory. Matters, however, on both sides, were of far deeper concernment. After such a long course of misgovernment, and what the commons had lately experienced, they could not trust Charles with an army; and a resolution had already been formed by them, to vest the power over the militia in commissioners nominated with the approbation of parliament, while they had even

issued orders about the appointment of officers to the Irish army. By means of the pressing bill, the troops could be ready to be instantly embodied without being drawn together, so as to afford an opportunity to the king to gain them and set officers over them, before the important matter regarding the commanders were fully determined: but if the ordinary way of levy were adopted, the late disbanded soldiers, whose affections had been so corrupted, would be the first to enlist; when commissions, hastily issued by the king to the very officers who had entered into such conspiracies against the parliament, and had lately acted at Whitehall, &c. would at once give him the command of an army, which, it may safely be inferred from all circumstances, would be employed to perform a notable service in England before it crossed the Irish channel. He could not but know, that the interference with the bill in its passage through the houses, with the displeasure expressed towards the members who had stirred the question about his right, would lead to the result which it occasioned; and that then the Commons could not retreat from their point, without recognising a power which had been already so fully pronounced illegal, and consequently exposing the franchises of all ranks.

The advocates of this prince have alleged, that the Scots might have at once sent upwards of 5000 men to Ireland, and thus have crushed the rebellion at its commencement; but that, though urged to it by him, they, in spite of their professions of

eagerness to save that country from the insurgents, declined to adopt so salutary a course *. Now, we have already seen, that, as Ireland was a dependancy of England alone, they could not have attempted to send an army there before they obtained the authority of the English parliament, without involving the two kingdoms in a quarrel—an event which Charles would probably have hailed as auspicious; and that, as they had neither resources themselves to maintain such an army, nor, if they had, could have been expected to use them for the defence of the dependency of a foreign state,—it was necessary to have not only authority

* Carte's Ormonde, vol. i. p. 197. This writer, after stating that the Scots had 5000 still on foot, (which is not correct,) and might easily have collected more, which would at once have put an effectual stop to these commotions, says, with shameless effrontery, "But neither their pretended zeal for religion, nor the bleeding condition of that kingdom, nor the danger of their countrymen in it, nor the entreaties of their natural sovereign, nor the shame of failing in their own promises the very moment they were making them, could prevail with the Scots to afford any succours in this general calamity." I am sorry indeed to say that Mr. Hume's statement is, if possible, still worse. Carte says that the king saw 1500 men sent off to Ulster to protect the Scottish colony there, and that he told the houses this on his return to London. But he quotes no authority for such a statement, and it is at direct variance with the whole accounts of the proceedings on that head; while it may give some idea of this writer's accuracy to mention, that, in the royal addresses, there is not even an insinuation of such a thing. Is it not strange, therefore, that Mr. Laing should, amongst others, have adopted this story? But misstatements or errors once made, descend from one writer to another, like the heir-loom in a family. The 1500 that Carte referred to were not sent till long afterwards, and went under a commission by both houses to the Marquis of Argyle. See Journals of the Commons, 7th and 22d February, 1641-2. Laing's account of these matters is very inaccurate.

from England to transport the troops, but an assurance that they should be maintained at the expense of that country: That the English Commons voted for the acceptance of troops—first of smaller numbers, but latterly of 10,000: but that the obstruction to an agreement with the Scottish commissioners arose from the upper house, who would only yield to the measure conditionally—that 10,000 English should also be sent; while they delayed the pressing bill, which was not passed till after the king had left Whitehall, and thus prevented the raising of 10,000 English already voted by the Commons. The principle advanced by the Lords was, that it gave the Scots too much power in a dependency of England—a position in which there is, unquestionably, much appearance of reason. But it completely disproves the allegations about the backwardness of the Scots; and it is not unworthy of remark, that this objection came from the king himself: for the majority in the upper house, who frustrated the agreement with the northern kingdom, were the prelates and lay lords attached to the court; and their language, consequently, was just as sure an indication of the royal purpose, as if he had himself openly proclaimed it. He, however, directly spoke the same language afterwards in regard to 2500 only, which both houses had accepted of: for, posterior to the time now alluded to, he objected to that number's passing into Ireland, with authority to take possession of a certain town, because it would give them a power in that island

inconsistent with the pretensions of England *. It is unnecessary to add, that the proposal by Charles to raise 10,000 volunteers, provided parliament would engage to support them, could not, with any regard to the national security, have been accepted of.

The instant that Charles heard of the rebellion, he sent a commission to Ormonde to take the command of the army; but, if we may credit Antrim, whose statement derives much support from other circumstances, Ormonde had himself been engaged in the design against Dublin Castle, in order to re-organize the late disbanded army out of the stores there; and therefore a commission to him was apparently, of all things, the most calculated to promote the cause it was professedly intended to ruin. The unexpected and detestably cruel course, however, which the rebellion took, seems to have filled Ormonde with genuine abhorrence at the insurrection; and it has been alleged by the advocates of the insurgents, that, through personal hatred of the Irish Catholics, he contravened his master's orders in pursuing them so

* This will be fully stated in its proper place; and I just beg that the reader will compare it with the preceding passage from Carte, and Hume's observations on the same subject—the conduct of the Scots on hearing of the rebellion. The latter writer conceives it to be evident that Charles was not accessory to the rebellion that he at once recommended the care of it to both the English and Scottish parliaments; but he could not do otherwise, without virtually acknowledging himself a party to it, and thus ruining all his affairs. Yet, though he recommended the Irish business to the care of the English parliament, he never, as we have seen, intended that the houses should have the management of it.

rigorously. To this, however, the disposition of the army, and of all around him, as well as of the executive there, must have, in no small degree, contributed. Yet his conduct was, in several respects, equivocal; and there is proof of his having been employed by Charles, almost at the beginning of the insurrection, to negociate a peace secretly with the rebels, while he was not deemed worthy of being trusted in some of the most important transactions with them. The Irish insurgents were not proclaimed rebels till January, and orders were given to print only forty copies of the proclamation *.

Re-assembling of Parliament, 11th January 1642, and its proceedings.

As both houses of parliament were to meet on the 11th, the committee of the Commons called upon the sheriffs of London and Middlesex, to raise the *posse commitatus* as a guard to the king and parliament. On this occasion many captains of vessels and mariners tendered their services, and these having been accepted of, they carried the guns, great and small, from their ships to Westminster. The apprentices also proffered their services; but the committee, with a suitable acknowledgment of the obligation, declined them. While they made these dispositions for the security of both houses, they also defeated an attempt to re-

* Append. to Clar. Hist. of the Irish Rebellion. State Papers, vol. ii. p. 178. Carte's Ormonde, vol. i. p. 280, *et seq.* Let. in Append. and in 3d vol. Plowden's Ireland, vol. i. p. 142, *et seq.* Rush. vol. iv. p. 472. May, lib. ii. p. 31, *et seq.* See former Notes by us. See how Antrim resented the cruelties of the insurgents, though, doubtless, engaged at the outset, p. 178. Deposition of Dr. Maxwell, Append. to Borlace's Ireland.

inforce the Tower; having ordered a vessel, which had arrived with arms and ammunition, to fall down the river, and issued strict injunctions against landing the stores *.

The impeached members on the 11th proceeded from the city to Westminster by water, and the procession was an affecting one. About from thirty to forty long boats, armed with guns, and carrying flags, accompanied them, besides a great number of smaller vessels, filled with citizens and mariners. The city had appointed Skippon, "a faithful and able soldier," the commander of the trained bands, under the title of Serjeant-Major General, and he marched at the head of part of his forces, at the same time with the procession by water, as a protection to the members by land †.

On the same day another affecting spectacle was exhibited. Hampden was the genuine representa-

* Rush. vol. iv. p. 483.

† Rush. vol. iv. p. 484. Whitelocke, p. 54. Clarendon says "that there was a conflux of many thousands of people, besides the guard, making a great clamour against bishops and popish lords, and for the privileges of parliament; *some of them*, as they passed Whitehall, asking with much contempt, what was become of the king and his cavaliers? and whither he was gone?" The questions were natural; but it would require better authority than Clarendon to satisfy us of the contempt with which they were put. Now, mark the use which Mr. Hume makes of this? "They still asked, with *insulting shouts*, what was become," &c. Neither Whitelocke nor Dugdale, who are likewise referred to by Hume, even insinuates that such questions were asked!—By the bye, I forgot in a former note to say, that one of the state papers in which an allusion is made to the paper thrown into his majesty's coach, with the words written on it, "To your tents, O Israel," is embodied in Clarendon's own History, vol. ii. p. 470.

tive of Buckinghamshire, for he truly expressed the sentiments of his constituents, and many knights, gentlemen, and freeholders, from that county (their number is said to have been about 4000,) alarmed for their own privileges, and deeply interested in the fate of the individual, who had so resolutely stood forth the vindicator of them, came to the parliament with a petition from the county to the Lords, and another to the commons, each having a printed copy of the protestation for defence of the king and parliament, in his hat. In these petitions they set forth that they had suffered under the various acts of misgovernment and oppression detailed in the remonstrance; that, however, they were fully sensible of the unwearied exertions of the commons to redress the grievances; but that their endeavours had been rendered abortive by a malignant faction, consisting of popish lords, prelates, &c. in the upper house, &c. and, therefore, they prayed that the evil councillors—Achans of the commonwealth—might be delivered up to justice; that the privileges of parliament might be secured, Ireland relieved, &c. They had also prepared a petition to the king, which a select number were deputed to present. He returned a similar answer to that which he made to the city's petition *. It is unnecessary to observe, that these petitions gave additional life and vigour to the popular party.

* Clar. vol. ii. p. 381. Rush. vol iv. p. 486, *et seq.* vol. Whitelocke, p. 51.

Both houses immediately resolved to appoint a guard under Skippon; and it is not unworthy of notice, that an answer was delivered, on the re-assembling of parliament, to the late petition, on that subject, in which the Lords had concurred, offering a guard under the command of the Earl of Lindsay *,—the very individual who was nominated the royal commander on the breaking out of the civil war. The Commons, who had received secret intelligence of Charles's designs, moved that Sir John Hotham and his son should be instantly sent down to Hull, where lay the magazine of the north, to take possession of that important place in the name of the king, but to obey no orders except those from the king, signified by both houses of parliament; and, for the sake of security, to call in part of the trained bands that could be depended on from the adjacent country. With some difficulty, the parliament succeeded in saving this town; and the Earl of Newcastle, having failed in his object of surprising the place for the king, was privately allowed by his master to obey an order of the upper house, for his attendance as a member; while Legge, who was also employed by the king in that business, was brought up by applying to his bail for his appearance †. Injunctions were likewise

* Old. Par. Hist. x. p. 197.

† The Earl, suspecting that the king's commission would not procure him access, attempted to pass under the feigned name of Sir John Savage; but he was soon recognized, and then the trick recoiled upon himself. Rush. vol. iv. p. 564. Journals of the Commons.

transmitted to Goring, as Governor of Portsmouth, to obey no order but such as came from the king through both houses of Parliament, and ammunition intended for that place was stopt. The tower was too important a fort to escape their attention. Though the Lords refused to join the Commons in a petition for the removal of Sir John Byron as lieutenant, they concurred in ordering him to attend the parliament, to give an explanation of his late conduct, and particularly of the cause of such quantities of ammunition, &c. having lately been carried to and from that fort. He refused to obey the summons, and was voted a delinquent, while Skippon was commanded to place a guard by sea and water round the tower; and the Lords agreed with the Commons in affording the city an opportunity of shewing the cause of their apprehensions from such an individual as Byron. Intelligence of a very alarming nature having been received on the 12th, that Lord Digby had appeared at Kingston-upon-Thames, where the magazine for the county was situated, in a warlike manner, with a large party of the officers and soldiers who had lately acted such a part at Whitehall, and even now used very threatening language towards the parliament, and that great saddles, &c. were in their passage thither, orders were issued to the civil authorities to raise the power of the four neighbouring shires for the purpose of dispersing them. The military band retreated to Windsor that evening with the king. The Commons likewise voted that

the kingdom should be put in a posture of defence, but the Lords refused to join them *.

In this manner were defeated all the immediate designs upon Portsmouth, Hull, and Kingston, while the tower was almost in a state of blockade; and hence it was quite evident that new counsels were necessary. Accordingly, a cabinet council was held at Windsor, at which it was determined that the queen should, under pretence of carrying her daughter, who was only eleven years old, to her husband in Holland, leave England for the purpose of soliciting supplies of men and money from foreign states, and also of raising as much as possible upon the crown jewels, the part of which still in England she should take with her; and that, till supplies were received, Charles should amuse both houses with negociations, and gradually retreat northwards, where the people were better affected towards him, and where he still hoped to be able, by seizing Hull, with all the magazine, to organize an army. He was to begin his levy under the pretext of raising a guard. It was no longer necessary or practicable to think of immediate operations in regard to the Tower, and Byron obeyed the summons from both houses, when he excused his former refusal, by alleging that he was in a dilemma betwixt his duty to the king and to the parliament †.

* Old Parl. Hist. vol. x. p. 198, *et seq.* Cobbet's, vol. ii. p. 1029, *et seq.*

† As Father Orleans shewed his history to James II. who approved of the statements, it is valuable. See Hist. des Rev. d'Ang. liv. ix. p. 87. Ed. 1694.

Still the petition of the Commons for his removal was indignantly rejected. When, however, both houses at last agreed in a petition for that purpose, Charles perceived that, guarded as the place was, so as to be no longer useful to the royal cause, it would be imprudent to deny their request. In another respect, the upper house evinced spirit. Charles had ordered the Earls of Essex and Holland, as holding offices, to accompany him to Hampton Court; and it is said by Clarendon, that the first was inclined to go, till the last assured him that they would both be murdered if they went—a melancholy proof of the opinion entertained of this prince, though warranted by the secret order to behead Lord Lowden in the Tower, without the slightest attempt at a legal proceeding, and by the incident, &c. These Lords, therefore, referred the matter to the body of which they were members, and by them were commanded to attend their duty in parliament *.

The commons published the result of the evidence taken before the committee regarding the king's violent intrusion into the lower house, and entered into resolutions that it was illegal to arrest any member of parliament on any charge without the consent of the house to which he belonged. This has been greatly censured as against law, and there does not certainly appear to be a legal ground for assuming that a member of par-

* Old Parl. Hist. vol. x. p. 199, *et seq.* Cobbett's, vol. ii. p. 1029, *et seq.* Clar. vol. ii. p. 379. Journals.

liament should be so protected against arrestment upon a charge of treason or felony, as not to be liable to seizure without the consent of that assembly; but matters were now thrown out of their usual course, and new rules were necessary. As the laws are provided for the general security, it is against every principle of common sense to maintain that the law might be used as a colour for destroying the very fountain of all law; and it was well observed by Hampden to Hyde, who, as having secretly engaged to support the royal measures in the lower house, argued strenuously against the legality of the resolutions, affecting to the popular party to be actuated by a pure regard to right—that "he well knew he (Hyde) had a mind they should all be in prison *,"—a remark of which none can doubt the truth, who attends to the sentiments promulgated by him in his history, and quoted in our preceding pages.

The king now sent a message to both houses, that as some conceived it disputeable whether the proceedings against Lord Kimbolton and the five members of the commons were legal and agreeable to the privileges of parliament, and as he was desirous to give satisfaction to all men, on all matters that might appear to have relation to their privileges, he waived his former proceedings: That, since this must remove all doubts as to his intentions, so he would proceed against them in an unquestionable way, for he protested that he would,

* Life, p. 47. 91.

on all occasions, be as careful of their privileges as of his life and crown. This, however, as it could not relieve the just fears of the two houses, so it did not divert them from their duty; and their apprehensions must have been the greater, as, in spite of their secret knowledge of the royal purpose, they were told, in answer to a petition regarding Hull, (for they communicated their resolutions on that head, under the pretext of dreading the machinations of papists:) That he had already considered the cause of their fears, and had taken special care for the security of the place against the adjoining Catholics*. The attorney-general was interrogated regarding the impeachment of the six members, and he confessed that he had no grounds for the measure—no information or the like—except the command of the king, who furnished the articles. He was, therefore, himself impeached, and afterwards by a sentence of the Lords, disabled from ever being a member of, or assistant, or pleader in, either house of parliament, and from holding any office except his present one of attorney-general†.

* Old Parl. Hist. vol. x. p. 202, *et seq.* Cobbett's, vol. ii. p. 103. *et seq.* Journals.

† Old Parl. Hist. vol. x. p. 205, 15, 97, 310, 47, 48, *et seq.* Cobbett, vol. ii. p. 1033, 9, 10, 89, 90, 98, *et seq.*, 1121, *et seq.* 1179. Charles maintained that the attorney-general was bound by his oath, as the first law officer of the crown, to present the articles which his majesty had furnished; and this is the ground assumed by Clarendon. But surely it never can be pretended, that a public officer is justified in a scheme evidently calculated for the destruction of parliament, under the colour of a legal proceeding, and the duty of his office: That he might charge, and subject to all the consequences of such an accusa-

Petitions to parliament.

Petitions from all quarters now poured in against episcopacy, and for putting the kingdom in a posture of defence; and the spirit of the Commons was invigorated by such marks of the public confidence *. There was at last, too, a prospect that

tion, members of the parliament, in order to destroy the parliament, without any information or proof of any kind before him. The king was bound himself to disclose the names of the suggestors, according to the statute, 37 Ed. III. c. 18. and 38, c. 9. See Rush. vol. iv. p. 492.

* The journals of the commons shew, that petitions were presented from most of the principal counties and towns in England; and Mr. Hume's account of the petitions is unworthy of him. The petition from the apprentices had been presented before the impeachment of the members, and one to the same purpose was presented to the throne, as well as another to the lords. The apprentices were, as we have formerly remarked, a powerful body. The one from the porters, whose number is said to amount to 15,000, and who are made to add, that "if such remedies" (as they had named) "were any longer suspended, they should be forced to extremities not fit to be named," and make good the saying 'that necessity has no law'—is no where to be found or alluded to, so far as I recollect, except in Clarendon's History; and I have no hesitation in pronouncing it a forgery by that author, to disgrace the petitions which so galled him and his party. The journals of the commons give an account of every petition; and I have gone over them with the utmost care, in order to ascertain whether such a petition ever was presented, and yet cannot discover a trace of it. The dexterity of Clarendon as a forger of such things is triumphantly told us by himself. Told *us*—nay, the work in which he discloses this important fact was intended for his children; yet he gives a long character of himself, wherein he takes great credit for his candour. "Another petition was presented," says Mr. Hume, "by several poor people, or *beggars*." This is an odd statement, because the petition bears, *in gremio*, to be from poor artificers and tradesmen, who attributed a decay of trade to the impolicy of the government. Journals, vol. ii. p. 404. See it in Clarendon. Dugdale, p. 87, and he is quoted by Mr. Hume, says that the petition "was from many thousands of poor tradesmen in London, as they styled themselves." I find another petition from "an infinite number of poor tradesmen and artificers in and about London and Westminster," complaining of so many foreigners trading there, and the in-

they should obtain what they had long aimed at—command of the forts and the militia, by the principle that all the officers should be nominated with the approbation of both houses of parliament. They had voted a petition on that subject, and

conveniences likely to ensue. Journals of the Commons, vol. ii. p. 404. This was, however, the old complaint revived, and was unconnected with the present posture of affairs. But the grand subject of ridicule, is one from the females, presented "by a brewer's wife." Now, had the learned author looked into the journals, he would have seen this matter in a different light from the ludicrous one in which he presents it. On Tuesday, the 1st of February, Serjeant-Major Skippon, who commanded the guard, requested to offer something to the house; and being called in, desired "that he might have directions what he should do in this case, there being great multitudes of women at the houses, pressing to present a petition to the parliament, and their language is, that where there is one woman now here, there would be 500 to-morrow; and that it was as good to die here as at home.—Serjeant-Major Skippon was again called in; and Mr. Speaker told him, that the house took notice of his discreet carriage in this business, and gave him hearty thanks for it. They desire you would use your endeavours to pacify the multitude, and send them home in quietness; and that the house is now in consideration of matters of great consequence, and will hereafter give such directions as the occasion shall require." Journals, Id. p. 407.—The house sat next day, and there is no mention of the petition. It adjourned from that day (Wednesday) to Friday, and then there is this entry, "A petition was delivered from certain gentlewomen, and other tradesmen's wives of London, and the suburbs thereof, was this day read; and the burgesses that serve for the borough of Southwark, Mr. Pym, Mr. Strode, and Alderman Pennington, are to go out to them, and to tell them, that this house has read their petition, and is very apprehensive of the calamities they suffer; and will use all the best care they can for the preventing and remedying of them; and desire they would continue their prayers for a good success upon their endeavours." Id. p. 413.—Pym addressed them accordingly, when he desired them to return home, and convert their petitions to the house into prayers to God. Old Parl. Hist. vol. x. p. 272. Cobbett, vol. ii. p. 1072.—Now, if this petition were from the same women whom Skippon required directions about, it is evident that the petition-

applied for the concurrence of the Lords; but as that body, though the minority was strong, refused their concurrence, the petition was presented from the lower house alone. The answer was a direct negative; and as the Commons had secret intelligence of the royal designs, which were farther developed by a motion in the upper house by the Duke of Richmond, a creature of the court, to adjourn for six months, (the bloody condition of

ers were by no means encouraged; if it was from a different set, then they must have been of a higher class: however Mr. Hume might despise a brewer's wife, every body knows of what rank they now are; and in former times many citizens, and their wives of course, were also high. Besides, let them have been of a humble station, the result is, that the parliament properly conceived it to be its duty to attend to the cries of all. With regard to the petition itself, it is admirably drawn; and it certainly was not too much in the English matrons, on the eve of a civil war, to apprehend similar evils to those which had been suffered in the neighbour isle, when the same instruments were supposed to be at work in England. As to the scriptural allusions, they were according to the feelings of a religious age, when religion was threatened. A pious man naturally, on great occasions, fortifies himself from the fountain of his faith! Yet nothing is easier than to give such a turn to the most pathetic and sublime allusions, as to make them appear ridiculous. But then Mr. Hume could say of the notice taken of this petition, which he burlesques, "Such low acts of popularity were affected, and by such illiberal cant were the unhappy people incited to civil discord and convulsions!" Had he not been culpably remiss in examining authorities, nay in perusing Clarendon, he must have known that Charles had long since resolved on war.

Clarendon's statements regarding counter petitions, which Mr. Hume refers to, are not ingenuous. That the parliament were disposed to discourage petitions which, if followed, would have led to the general ruin (for they knew that the king was resolved on force) may be inferred; but those which were discouraged, appear to have been of the most inflammatory kind against the measures which had already been embraced by the legislature, and were secretly set on foot to promote the mischievous projects of the king.

Ireland was not surely in this considered,) they again applied for the concurrence of the Lords to a fresh petition. But the message which they sent up on that occasion is remarkable. After stating the urgency of the case, they desired that, if the Lords would not join with them when the country was at the last gasp, those, at least, who were of the same opinion with the Commons, should declare themselves; and they protested that if this message were to meet with the fate of the former, it should be the last they ever troubled them with on that business; but that they should hold themselves innocent of all the mischief which might succeed. This had the desired effect. The Lords concurred in a petition, while they passed the bill for depriving the prelates of their votes in parliament, and also that for pressing soldiers for the service of Ireland *.

The queen's departure to Holland—the passing of the bill against episcopacy—motions, &c. about the militia.

It was now the object of Charles to gain time, and to amuse the parliament with the appearance of granting what he had determined to resist, till he had set himself at the head of a military force with which he could crush his grand council, and with it annul all its acts. The queen prepares, therefore, to set off with the Lady Mary for Holland, to raise supplies; and the leading men were secretly apprised that there was an intention to carry the prince thither also, that he might be no obstruction to the military proceedings which were meditated. As the queen, therefore, accompanied

* Old Parl. Hist. vol. x. p. 229, *et seq.* Cobbett, vol. ii. p. 1029, 38, 41, 48, 61, *et seq.* Clar. vol. ii. p. 409, *et seq.* Journals.

by Charles, proceeded to Dover to take shipping, the two houses, lest the prince should be carried abroad, issued orders to the Marquis of Hertford, to whom the custody of the prince was committed, not to allow him to visit his mother on her passage *. It was while the queen was just on the

* The commons seem to have very early got intimation of the queen's purpose, and of a design to carry the prince abroad, (see Journals, vol. ii. p. 379.) for an order on the 14th of January was issued about him. Mr. Hume says, "The rage of the people was on account of her religion, *as well as her spirit and activity*," (he might have added, in conspiring the general ruin—as the army-plots, &c. not to say the Irish rebellion—fully proved) "universally levelled against her. Usage the most contumelious she had hitherto borne with silent indignation." (What! were her spirit and activity in exciting the blackest conspiracies proofs of this?) "The commons, in their fury against priests, had seized her very confessor; nor would they release him upon her repeated applications." This confessor had been too long with her for the peace of England. He was removed in consequence of letters having been intercepted from him, and another priest of his name, if not himself, to Mr. Walter Montague *, who, having turned papist, had considerable influence in foreign courts. Thus does the Jesuit write, at the very time of the first army-plot, and before the death of Strafforde: "The good king and queen are left very naked: the puritans, if they durst, would pull the good queen to pieces. *Can the good king of France suffer a daughter of France, his sister, and her children, to be thus affronted?*

* This Mr. W. Montague was the second son of the Earl of Manchester. He is represented to have been a man of great talent and address. After much levity and dissipation, he changed his religion, and became a most mortified but bigotted devotee. He lived long in the French court, where he was highly esteemed, as he likewise was by Charles and his consort. He afterwards took orders, and was created Abbot of Pontoise. He was also appointed the English queen's confessor on the death of Father Philips, whom he far exceeded in bigotted violence. Whitelocke, p. 32, 75. Franklyn, p. 768. Clar. Hist. vol. iii. p. 401, vi. p. 391-2, 546-7. Life, vol. i. p. 120-1, 238-240. Sidney Pap. vol. ii. p. 676-7. App. to Evelyn's Mem. p. 142.

eve of her departure, and Charles was afraid that the parliament, having discovered his projects, should detain her, that the bill for impressment,

Can the wise cardinal endure England and Scotland to unite, and not be able to discern?' In the end it is likely they will join together, and turn head against France: A stirring ambassador might do good here." —"Some have braved little less than to unthrone his majesty, *who, if he had but an ordinary spirit, might easily quash and suppress these people.*' Our good queen is much afflicted; and, in my conscience, the puritans, if they durst, would tear her in pieces. *This cannot be for the honour of France, to endure a daughter of that nation, and her children, should be thus oppressed and affronted. Balfour hath proved an arrant traitor to the king, who commanded him to receive an hundred men into the Tour, which he most traitorously refused.*" The other letter is to this effect—"You may expect some company with you ere long; Crofts, Sucklin, Piercy, Jermyn are gone; all things are in great uncertainties; a protestation is made and taken by both houses, much like, but much worse, than the Scottish covenant. I sent you some money by Mr. Jermyn; but now he is gone, I make some doubts whether he might be mindful of you to take it with him. *I have spoken to the queen about your occasions,* and I wish to do what I can," &c. Rush. vol. iv. p. 257, 258. The Jesuit confessed the first letter to be his, but not the second. The queen had another priest of this name. Now, can it be denied that this was a most dangerous character; that he was not clearly of a temper to infuse the most violent counsels into the queen; and used his endeavours to stir up a foreign state against the people of England? He was impeached on various articles, which served as a pretext for his removal from the queen. Ought not Mr. Hume, in fairness, to have stated this, and not put the matter on the score of religion; though the people had sufficient cause to complaint even there, considering what they had suffered from innovations? "Even," continues this author, "a visit of the prince to his mother had been openly complained of, and remonstrances against it had been presented to her." From this we might infer, that the parliament had acted either from bigotry, in consequence of her religion, or from an unfeeling desire to insult her; whereas Clarendon, to whom he refers, informs us that they were influenced by apprehensions alone of a design to carry the prince abroad; and he says, that though their fears were unfounded, which I don't believe, yet that they had received secret intelligence

and that for removing the bishops from the upper house, were passed. Nay, even in regard to the militia, he gave an answer which was conceived to be equivalent to granting the desire of the parliament:—that when he should know the extent of the power intended to be established in the persons whom they wished to be appointed commanders

of such a design from a person who had enjoyed confidence about the court. Hist. vol. ii. p. 436. Life, p. 53, 103.—Mr. Hume is not more ingenuous than Clarendon, about her motives for going abroad; that she was secretly threatened with an impeachment, &c.; and that there was no intention to resort to hostilities: For the first alludes afterwards to the money raised upon the crown jewels, which she had carried abroad, with a view to war; and the last inadvertently tells us, that, at her departure, Charles promised he would never make peace, except through her mediation. She had pretended to be afraid of an impeachment; but when the parliament took up the matter, she would not disclose the names of the informers, &c. The truth is, she wished a pretext for quitting the kingdom, and affected fears, to conceal her plans with the crown jewels. See Parl. Hist. vol. x. p. 229, 63. Cobbett, vol. ii. p. 1047, 61. Rush, vol. iv. p. 554. Journals. Clar. Hist. vol. ii. p. 417, *et seq.* 532, 672; vol. iii. p. 143. Life, vol. i. p. 50, 79, 98, *et seq.* 154, *et seq.*

Lord Digby having fled, after his failure at Kingston, and escaped with difficulty by the royal assistance, wrote a letter to his brother-in-law, Sir Lewis Dives, in which he calls the parliament traitors, and expresses himself strongly against accommodation, recommending that the king should retire to a strong place, where he might protect his servants; he also asks for a cypher, that they might correspond in safety, &c. This was intercepted, and along with it one to the queen to the same effect, and in which he also asks for a cypher from her. The first having been opened, and found to be of so pernicious a description, the other was likewise opened; and Mr. Hume says, "*they affronted the queen, by opening some intercepted letters written to her by Digby.*" What meaning to attach to this—except that the parliament had no right to inquire into, and defeat, conspiracies in which she was engaged against the legislature, and the security of the whole people—I know not. This is gallantry with a vengeance!

in the several counties, and to what time the authority should be limited, so that no power should be executed by him alone, without the advice of both houses, he declared that, for their satisfaction, he would then place the militia and forts under the command of individuals whom they recommended, provided he had no just exception to the particular persons. As an apparent earnest of this, he displaced Byron, and substituted Sir John Conyers, whom they recommended, as lieutenant of the Tower; though he had formerly irritated them by a refusal on this head. But the motive for the refusal was now removed by the measures adopted to guard that important place.—In consequence of his majesty's answer regarding the militia, an ordinance was prepared by both houses, which, with a list of the individuals to be filled up, was transmitted to him; and as the queen was still in England, he, to gain time, answered that he had not at present leisure to consider of so important a matter. This being deemed equivalent to a denial, excited dissatisfaction; and a second answer was sent, which, while it seemed in a measure to grant their request, was only calculated to evade it. The purport was, that he admitted their right to the nomination of officers, except in corporate towns;—an exception as extraordinary in itself, as it was objectionable in regard to the security of parliament. Many counties had already entered upon measures relative to the militia; and the Commons had fully evinced their moderation, and the real jealousy of the monarch with which they were actuated, by

nominating peers in almost every case to the command of the military in the respective shires, whence Charles might easily have anticipated that a denial now would only inflame them with indignation and inspire additional fear. Both houses immediately voted that those who advised his majesty to return such an answer were enemies to the state, and mischievous projectors against the defence of the kingdom: That the denial was of such dangerous consequence, that if his majesty persisted in it, it would hazard the peace and safety of all his kingdoms, unless some speedy remedy were applied by the wisdom and authority of both houses of parliament; and that such parts of the kingdom as had already put themselves into a posture of defence against the common danger, had done nothing but what was justifiable, and approved of by both houses. These resolutions were ordered to be printed, and another petition of a far stronger nature was sent to the king. In this, they intimate their purpose of disposing of the militia of their own accord, if their request were denied; pray that he will himself return to the neighbourhood of London, and allow the prince also to remain in the vicinity; and declare that they never could conceive themselves safe till he cast off the wicked counsellors who interposed their corrupt and malicious designs betwixt his goodness, and his own and the people's prosperity *.

* Rush. vol. iv. p. 517, *et seq.* Old Parl. Hist. vol. x. p. 285—9. 299, 308-9, 321, *et seq.* Cobbett, vol. ii. p. 1083, 1097, 1106. Husband's Col. p. 73-4.

To understand the spirit of the answers, it is necessary to relate what had happened in the course of the events which have just been detailed. Both Charles and his consort were exceedingly anxious that she, and, there is reason to believe, their children too, should be removed from England, lest they should be in a manner retained by the parliament as hostages for its security *. And it was just on the eve of her departure, that he, by commission, passed the bill for pressing soldiers, and that for depriving the prelates of their seats in the upper house. But though he passed the bills, he never intended, as we learn from Clarendon himself, that they should be obligatory upon him. He yielded to these and other acts, according to the noble historian, on the principle that, in their passage through the houses, there had been something like constraint; and that therefore they contained an original defect, which no confirmation by him could cure, since a ratification can never validate what is positively null †. Whether this casuistry were suggested by others, or invented by himself, it is evident that, with a monarch who acted on such principles, there could be no safety in any agreement. When Henrietta left England, she was exceedingly apprehensive "that the king would, at some time, be prevailed with to yield to some unreasonable conditions;" and, "to make all things therefore as sure as might be, that her ab-

* Mem. par Mad. de Motteville, tome i. p. 268. See former references.

† Clar. vol. ii. p. 429-30.

sence should not be attended with any such inconvenience, his majesty made a solemn promise to her at parting, that he would receive no person into any favour or trust who had disserved him, without her privity and consent; and that, as she had undergone so many reproaches and calumnies *at the entrance into the war, so he would never make any peace but by her interposition and mediation, that the kingdom might receive that blessing from her**." Secret as were the royal purposes, they did not escape the vigilance of both houses; and as in the subsequent messages, Charles acted subtilely, with a view to his main design, so, in all their measures, the houses had reference to this object. For long after this, he not only continued to negotiate, but solemnly denied—calling God Almighty to witness his sincerity—that he had any intention of war; though war that precluded accommodation, had then been resolved upon, and the same apologetical historian, whose office as councillor, &c. prevented the possibility of mistake, informs us, that "the concert with the queen shut out all opposite consultations †."

Clarendon gives it as his opinion, that, as the prejudice was principally against the queen, had

* Clar. Life, vol. i. p. 80, 156. The general statements of Clarendon are directly opposite to this, because no otherwise could he defend his master. His candour, then, is no longer a subject of doubt; and what shall we think of the minister whose professions of piety were unceasing, that could put into the mouth of Charles so many protestations and appeals to heaven that he entertained no such designs?

† Id. 57, 112.

Charles, after her departure, returned to Whitehall, he might have accommodated matters "by very moderate condescensions;" and though we may, in opposition to this historian, observe, that considerable sacrifices of power would have been requisite, still he might have restored tranquillity on terms not incompatible with his dignity as a monarch. As he had, however, resolved upon hostilities, so, now that the queen was gone, he determined to act with greater decision; but he, at the same time, conducted himself with greater policy, though not with more honesty, than formerly. Hyde had often, as a secret counsellor, clandestinely visited him in the dark *; and now, that Charles meant to go north, an arrangement was made of so extraordinary a nature, that we cannot forbear from transcribing Clarendon's own account of it; particularly as it affords a clue to that character for talent which Charles unjustly acquired. At a secret interview, the king, previous to going north, told Hyde "that he should not see him any more before he took that journey; and therefore he required him upon all occasions to write to him, and advertise him of such matters as were fit for him to know; and to prepare and send him answers to such declarations or messages as the parliament should send to him. He said he knew well the danger he underwent, if he were discovered. But his majesty assured him, and bade him be confident of it, that no person alive, but himself and his two

* Clar. Life, p. 46, 50. 90. 98.

friends, should know that he corresponded with his majesty; and that he would himself transcribe every paper in his own hand before he would shew it to any man, and before his secretary should write it out. Mr. Hyde told him, that he writ a very ill hand, which would give his majesty too much trouble to transcribe himself, and that he had so much friendship with Secretary Nicholas, that he was well contented he should be trusted. To which the king said, Nicholas was a very honest man, and he would trust him in any thing that concerned himself; but in this particular, which would be so penal to the other, if it should be known, it was not necessary; for he would quickly learn to read the hand, if it were writ at first with a little more care, and nobody should see it but himself. And his majesty continued so firm to this resolution, that though the declarations from the houses shortly after grew so voluminous that the answers frequently contained five or six sheets of paper very closely writ, his majesty always transcribed them with his own hand; which sometimes took him up two or three days and a good part of a night, before he produced them to the council, where they were first read, and then he burned the originals*."

* Clar. Life, vol. i. p. 54-5, 106—108. Mr. Hume says, in a note, E. E. that these declarations by the king "contained the first regular definition of the constitution, according to our present ideas of it, that occurs in any English composition, at least any published by authority;" and after what we have proved on this subject, it is unnecessary to make any remark on such a statement. But what can one think of his appealing to the language of the attorney-general, and to other

Such were the views of Charles, and such the arrangements formed. When the petition, to which we last alluded, was voted, Hyde, having slyly left the house, quickly sent a messenger to apprize the king that such a petition would be speedily presented, and to furnish him with the short answer which might be necessary at the presenting, while he (Hyde) would prepare a full one *.—When, therefore, the petition was read to him, Charles,

crown counsel, in "insisting plainly, and that openly, on the king's absolute power; and to the opposite lawyers not denying it!" It was this assumption of absolute power, and the profligacy of lawyers and judges in some things, which led to the subsequent convulsions; and had Mr. Hume never heard or seen in his researches, particularly in the remonstrance, that the counsel for the popular rights were not allowed to proceed? for instance, that Holborn was most infamously treated? Had he forgotten all the proceedings of this and former parliaments against divines, judges, and ministers of state, for maintaining and acting upon arbitrary principles, which were arraigned as repugnant to the genius of the English laws and constitution? Had he forgotten the petition of right, which he pronounces equivalent to a revolution in the government? Had he forgotten, that it was his grand object to prove that the people complained without cause, and that the measures of parliament were hostile to monarchical principles? The result, then, is just this, that the measures and language of the court and its creatures, had excited the deepest indignation throughout the empire; and yet that Mr. Hume, while he unqualifiedly condemns the parliamentary vindication of the public rights, and the general spirit afloat, assumes that it was the universal opinion of England that the king was absolute—because his prostituted judges and lawyers, in support of his despotical measures, used the very language which was so deeply and generally resented! Jeffries, at a much later period, used the same language with that appealed to by the historian, and the same inference might be drawn from it. We may add, that the liberal principles which breathe in the state papers came from the parliament; and that Charles never uttered such, but as a cloak to designs against that assembly and the general freedom.

* Clar. Life, vol. i. p. 56-7.

who was perfectly prepared, answered to the individuals deputed to present it, "That he was so much amazed at their message, that he knew not what to answer; That they spoke of jealousies and fears; but he desired them to lay their hands to their hearts, and ask themselves whether he might not be disturbed with fears and jealousies; and, if so, this message had not lessened them: That his former answer in regard to the militia was agreeable in justice to what they should ask, or he in honour grant: That he would bid them ask themselves whether he had not cause to leave Whitehall? and as for his son, he would justify himself to God, as a father, and to his dominions, as a king, in his care of him: *That he assured them upon his honour he had no thought but of peace and justice to his people, which he would, by all fair means, seek to maintain, relying upon the goodness and providence of God for the preservation of himself and his rights**."

When this answer was reported to the houses, they immediately resolved that the kingdom should forthwith be put into a posture of defence, by the authority of both houses, according to the former determination;—that a declaration of the grounds of their fears and jealousies should be drawn up, and presented to his majesty;—and that all the lords-lieutenants of England, constituted by the king, should immediately bring in their commis-

* Ibid. and Hist. Vol. ii. p. 440-1. Rush. vol iv. p. 525. Husband's Col. p. 92, *et seq.*

sions, to be cancelled as illegal. They also sent a message to the Earl of Northumberland, lord high-admiral, that, as they had received intelligence of extraordinary preparations by foreign princes, both by sea and land, and dreaded their machinations, they desired that he would put the whole fleet in immediate readiness, and engage as many owners and masters of merchantmen as possible to promise their vessels in case of necessity. The order was immediately obeyed *.

In the declaration which was prepared in consequence of this vote, and transmitted to the king, then at Newmarket, the houses stated, as part of the grounds on which their fears were founded, that the design for altering religion had been principally contrived and carried on by those in authority at court: That the Scottish war had flowed from the same source: That it appeared by many concurring testimonies that the Irish rebellion was contrived in England, and the principal rebels themselves declared that their object was, the recovery of the prerogative from the encroachments of the puritan faction, and the preservation of episcopacy; while they called themselves the queen's army, and affirmed that they did nothing but by authority: That the manifold attempts to bring up the late army against the parliament, to raise a faction in the city, &c. had all been encouraged from the court, and the actors particularly countenanced there, as the warrant to transport Jermyn, one of the conspirators, out of the kingdom, after

* Clar. vol. ii. p. 442. Old Parl. Hist. vol. x. p. 329. Cobbett, vol. ii. p. 1110-11. Whitelocke, p. 56.

an order to stop the ports, and the petition signed C. R. too distinctly proved: That the late breach of the privileges of parliament bespoke the same purpose: and that they had received many advertisements from Rome, Paris, and other parts, of a great design for altering religion, and breaking the neck of parliament; and of the Pope's nuncio having solicited the kings of France and Spain for 4000 men each, to assist the English king in his projects. They concluded with beseeching him to consider how easy and fair a way he had to happiness, honour, and greatness, by uniting with his parliament and subjects in defence of religion, and for the public good. "This," said they, "is all we expect from you; and for this we shall return to you our lives, fortunes, and uttermost endeavours to support your majesty, your just sovereignty and power over us; but it is not words that can secure us in these our humble desires. We cannot but too well and sorrowfully remember what gracious messages we had from your majesty this summer, when, with your privity, the bringing up the army was in agitation; we cannot but, with the like affections, recal to our minds how, not two days before you gave directions for the accusation against the six members, and your own coming to the Commons' house, that house received a gracious message that you would always have a care of their privileges as of your own prerogative; of the safety of their persons as of your own children *.

* Husband's Col. p. 97, *et seq.* Rush. vol. iv. p. 528, *et seq.* Old Parl. Hist. vol. x. p. 337, *et seq.* Cobbett's, vol. ii. p. 1114. Clar. Hist. vol. ii. p. 443, *et seq.* Whitelocke, p. 57.

The declaration was read to his majesty by the Earl of Holland, one of those deputed to present it; and as he read that part which related to Jermyn, Charles interrupted him with—"that's false," —again—"'tis a lie *." The earl politely smoothed the matter over; and the parliament, with great politeness, afterwards proved, most satisfactorily, that it was perfectly correct. On the following day, Charles, in the language which had been furnished to him, gave this answer: "I am confident that you expect not I should give you a speedy answer to this strange and unexpected declaration; and I am sorry, in the distraction of the kingdom, you should think this way of address to be more convenient than was proposed by my message of January last, to both houses.

"As concerning the grounds of your fears and jealousies, I will take time to answer particularly, and doubt not but I shall do it to the satisfaction of all the world. God, in his good time, will, I hope, discover the secrets and bottoms of all plots and treasons; and then I shall stand right in the eyes of my people.

"For my fears and doubts, I did not think they should have been thought so groundless and trivial, while so many seditious pamphlets and sermons are looked upon, and so great tumults are remember-

* This seems to have been a favourite phrase with Charles. Secretary Nicholas having written to him, that it behoved him (Nicholas) to be cautious in writing to his majesty, as some of his friends had assured him that letters sent to the king miscarried afterwards, and were seen; the other makes this apostyle, "It is a ley." Append. to Evelyn's Mem. p. 31.

ed, unpunished, uninquired into. I still confess my fears, and call God to witness, that they are greater for the true protestant profession, my people, and laws, than for my own rights or safety; though I must tell you I conceive that none of these are free from danger.

"What would you have? Have I violated your laws? Have I denied to pass any bill for the ease and security of my subjects? I do not ask you what you have done for me.

"Have any of my people been transported with fears and apprehensions? I have offered as free and general a pardon as you yourselves can devise. All this considered, there is a judgment from heaven upon the nation, if these distractions continue.

"God so deal with me and mine, as all my thoughts and intentions are upright for the maintenance of the true protestant religion, and for the observation and preservation of the laws of this land; and I hope God will bless and assist those laws for my preservation *."

In order to understand that part of the king's speech which regarded the general pardon, it may here be stated, that, in answer to urgent petitions that he would proceed in the impeachment of the six members, he had intimated his resolution to renounce all proceedings against them, and to issue a general pardon, as ample as the two houses should desire. This, however, did not satisfy them.

* Rush. vol. iv. p. 532. Husband's Col. p. 103, *et seq.* Old Parl. Hist. vol. x. p. 328, *et seq.* Clar. vol. ii. p. 450-1.

A pardon implied guilt on the part of those who obtained the remission; and therefore a bill in their vindication was immediately prepared; but Charles, alleging that it reflected on him, which it certainly did, refused to pass it *.

On the day following the delivery of the declaration, when Charles returned the answer given above, the Earl of Holland, who read it, endeavoured to persuade him to reside near his parliament; and the king answered, "I would you had given me cause; but I am sure this declaration is not the way to it,—and in all Aristotle's Rhetoric there is no such argument of persuasion. The Earl of Pembroke, upon this, reminded him that the parliament had humbly besought him to come near them. But his majesty replied, "he had learnt by their declaration that words were not sufficient." The Earl then moved him to express what he would have. To which he replied, that "he would whip a boy in Westminster school, if he could not tell that by his answer;" and farther said, that "they were much mistaken if they thought his answer to that a denial." The Earl having then asked whether the militia might not be granted, according to the desire of parliament, for a limited time; Charles "swore by God, not for an hour: you have asked that of me in this which was never asked of any king, and with which I will not trust my wife and children."

Of the business of Ireland, he said, that "it never

* Old Parl. Hist. vol. x. p. 388. Cobbet, vol ii. p. 1134-46, *et seq.*

could be done in the way they proceeded. *Four hundred* will never do that work; it must be put into the hands of one. If I were trusted with it, I would pawn my head to end that work; and though I am a beggar myself, yet (speaking with a strong asseveration) *I can find money for that* *."

In a large answer, and other papers, the king, of course, denied the statements of the two houses; but a publication by them of the evidence in relation to the army-plots must have satisfied all men on that head; and as, though the queen had pawned or sold the jewels with all possible secrecy, and prepared arms and ammunition, her whole proceedings and negociations had not deceived the vigilance of the opposite party — "whose informations," says Clarendon, "were wonderful particular from all parts beyond sea, of whatever was agitated in the king's behalf, as well as from his court, of whatsoever was designed, or almost but thought of, to himself,"—the houses were not to be imposed upon by his most solemn appeals to heaven, against the thought of war, or of introducing foreign troops into the kingdom †. After this, he pretended, in regard to the militia, that an ordinance was a mode of proceeding with which he was unacquainted; but that if a bill were presented with proper limitations, he would pass it: a bill was presented, and instantly rejected ‡.

* Journals of the Commons. Old Parl. Hist. vol. x. p. 356-7. Cobbett's, vol. ii. p. 1125-6. Rush. vol. iv. p. 532-3. Clar. vol. ii. p. 450-1.

† Clar. vol. ii. p. 640.

‡ Rush. vol. iv. p. 540, *et seq.*

Charles, having fully resolved on war, was only prevented from beginning operations by want of the means; and the Irish rebellion appeared most calculated to afford them, till the arms, &c. arrived from the continent. While he declared that he would never allow a toleration in that island, he was secretly endeavouring to negociate a peace with the insurgents ‡, and yet proposed to go in person at the head of an army, to reduce them. He therefore intimated to parliament, that he intended forthwith to raise from the counties near West-Chester, a guard to himself in Ireland, of two thousand foot, and two hundred horse, which he proposed to arm out of his magazine at Hull. The two houses, who were apprized of all his secret purposes, were not to be deceived by this plausible pretext; and they had themselves already devised measures relative to that unhappy country. They had granted a commission to the Marquis of Argyle to transport 1500 men; and had agreed with the Scottish commissioners to accept 2500 men from them, and for their security to give them possession of the town and castle of Carrickfergus, &c. while they brought a bill into parliament to grant tracts of the rebels' lands, according to a certain proportion, to adventurers who chose to advance money for the reduction of the insurgents. None of these measures was agreeable to Charles. The Scots had just evinced a disposition hostile to

‡ See Appendix to Clarendon's History of the Irish Rebellion, with former notes.

his views, by offering to mediate between him and the parliament, and proposing uniformity of religion in the respective nations; and the monarch, while he attempted to soothe the leading men in the sister kingdom, recommenced, or continued rather, his intrigues with Montrose. It was not, therefore, on this ground, as well as on others, to be expected that he should wish the Scots to be invested with military power in Ireland; and he objected to the arrangement with that people, that it gave them too much authority in a kingdom dependant on England. But it was not in his power to withstand the measure. The suspicion against him in regard to the Irish rebellion, was widely spread; and the Commons had just charged him with having granted passes to Irish Catholics, who, after an order to restrain them, had gone from England to that country, and appeared in the ranks of the rebel forces. But so deeply was the rebellion abhorred in England, that he well knew, if he did not remove the charge, he would be deserted by all ranks; and, while he passed the act in favour of the Scots, he loudly complained of misrepresentation, and called upon the Commons to produce an instance of his having given such passes. They referred to several, and alleged that, under general passes, many individuals had been included. He gave explanations; but, though these have been deemed satisfactory by his advocates, they neither appeared so to the Commons, nor probably would to the unprejudiced reader. On the same principle he assented to the other act; but he afterwards

interposed to prevent its execution; nay, seized upon articles provided against the Irish rebels, and turned them against the parliament; while, by withholding the Earl of Leicester's instructions as lord lieutenant, he prevented his going thither to discharge his duty.

Under such circumstances, and in such an unsettled state of England, the Commons voted some very sharp resolutions against his going to Ireland; declaring the advisers of such an expedition enemies to the commonwealth. But he nevertheless persisted in his resolution of raising a large guard, and politicly devolved power upon Ormonde, whom he created a marquis, to nominate his own officers, that the army might be prepared for the cessation of hostilities in Ireland, and a different service in England *.

The two houses of parliament, after they had, by the appointment of the Hothams governors of Hull, and other measures, defeated the scheme which had been undertaken by the Earl of Newcastle and Captain Legge, ordered the magazine to be removed to the Tower; but, as this had not yet been effected, Charles, whose designs, clothed under the pretext of an expedition against the Irish rebels, had been frustrated, determined by a different course to obtain possession of those military stores. Sir John Hotham was supposed by

* Journals of the Commons, vol. ii. p. 393, *et seq.* Rush. vol. iv. p. 501, *et seq.* 560, *et seq.* vol. v. p. 4, 13-14. Husband's Coll. Clar. vol. ii. p. 491, *et seq.* vol. iii. p. 16. Whitelocke, p. 55, *et seq.* Hutchinson, vol. i. p. 146. Ludlow, vol. i. p. 19, *et seq.* May, lib. ii. p. 88. Carte's Ormonde, vol. iii. p. 76. Whitelocke, p. 56. Nos. II. and III. of Append. to the Translation of Wishart's Memoirs of Montrose. Edit. 1819.

the royalist party to be favourably inclined towards them, nay, was likewise suspected of such a disposition by the opposite side; and the two houses, while from his influence in the neighbourhood they had deemed it advisable to trust him, prudently joined with him in the same commission his son, in whom they had greater confidence *. It was not therefore without reason that Charles expected to gain him over; and he advanced towards Hull with three hundred horse, partly those individuals who had accompanied him to the house of commons. As he approached, he sent a message that he meant to dine with the governor, and commanded that provision should be instantly made for him and his train. On this critical emergency, Hotham immediately summoned the magistrates and officers to consultation; and it was resolved upon to decline the visit. A respectful message to that effect was returned to his majesty; but he continued nevertheless to advance, and it became necessary to act with decision. The gates were shut; the draw-bridge was drawn up; and the garrison, which had been lately much augmented, was ordered to act upon the defensive. Hotham, however, proposed to admit the king, with the prince, and twelve followers †; but as that did not correspond with the royal view, it was indignantly rejected. Menaces and flattery were

The king demands admission into Hull, and is refused, 23d April, 1642.

* Clar. vol. ii. p. 389.

† Clarendon says that the king proposed to enter with twenty followers; and Charles complained that such a statement by him was not believed; but though Whitelocke adopts it, it appears to have been quite unfounded. Rush. vol. iv. p. 567.

used by turns; but when all proved fruitless, Charles, who had not strength to force an entrance, contented himself with denouncing the governor a traitor. The refusal, which Hotham defended by the peremptory orders of parliament, was loudly complained of as the deepest insult to authority: the king demanded of the parliament the exemplary punishment of Hotham, and the immediate delivery of the town and magazine as his own property; declaring that till this were done, he could attend to no other business, as the conduct of that individual reduced him to a worse condition than the meanest of his subjects, who were permitted to enjoy their own goods, while he was thus deprived of his; and that he would try by all possible ways, through the assistance of God, the law, and his good subjects, to obtain the restitution of what he had been thus illegally despoiled.—To this declaration the parliament published an elaborate answer, in which they justify their own act as exercised in the person of Hotham; and refute the absurd position that the town and magazine were the royal property in the same sense that a man's goods or jewels are his own. They argue that, though the king may be entrusted for the common good, the powers delegated to him by the community must be regulated by circumstances: That the erroneous maxim infused into princes, that their kingdoms are their property, and that they may do with them what they will, (as if their kingdoms were made for them, and not they for their kingdoms,) is the root of all their subjects'

misery, and of all the invasions of their just rights and liberties: That the king is merely entrusted with the forts, &c. for the general good, and that even the crown-jewels compose a part of this trust, being only put under his command for public uses. That as the trust is for the common good, so ought it to be exercised by the advice of both houses of parliament, whom the nation has authorized to see it properly discharged: That were it, however, even to be admitted that his majesty had a property in the town and magazine of Hull, yet the parliament was entitled to dispose of his property, as well as that of his subjects, in such a manner as to secure the kingdom from danger: That it was in vain to urge precedents, since the present parliament might, upon better reasons, make precedents for posterity than their ancestors had done for them; and no precedents could set limits to their authority, which must vary according to the conditions of the times: That if there had been no precedents, it was merely because there had not hitherto been counsellors who attempted to alienate the people from a parliament, or harboured a thought that it could be accomplished. "Were there ever," say they, "such practices to poison the people with an ill apprehension of the parliament? Were there ever such imputations and scandals laid upon the proceedings of both houses? Were there ever so many and so great breaches of privilege? Were there ever so many and desperate designs against the parliament, and the members thereof? If we have done more than our ances-

tors have done, we have suffered more than ever they suffered; and yet, in point of modesty and duty, we shall not yield to the best of former times; and we shall put this in issue, whether the highest and most unwarrantable precedents of any of his majesty's predecessors do not fall short and much below what has been done to us this parliament; and, on the other side, whether, if we should make the highest precedents of other parliaments our patterns, there would be cause to complain of want of modesty and duty in us, when we have not so much as suffered such things to enter into our thoughts, which all the world knows they have put into act."

In other dispatches, Charles professes the utmost regard for the liberties of the people and the Protestant religion; declaring that he never will allow a toleration, and appeals to Almighty God for his sincerity in these matters, and in his abhorrence at the idea of reducing the kingdom by force, or introducing foreign troops. But he argues, that the militia, with all the forts, had been entrusted to him and his heirs for ever; and that it cannot be believed that a body called at his pleasure, and appointed by the people for a season, should ever be intended as guardians or controllers in managing that trust which God and the law had committed to him and his posterity for ever *.

The parliament prayed that the king would dis-

* Husband's Col. p. 138, *et seq.* Rush, vol. iv. p. 565, *et seq.* Clar. vol. ii. p. 506. *et seq.* Whitelocke, p. 57, *et seq.*

miss his guards, and return to the neighbourhood of London; and when they perceived that accommodation was hopeless, and understood how busy the queen was in raising money upon the crown jewels, they entered into a resolution, which they published, that the king intended to make war upon them; and passed an ordinance, that whoever lent money upon the crown jewels, or assisted in pawning them, &c. should be deemed an enemy to the state, and be liable, out of his own property, for any damage which might ensue. Charles complained much of the vote in regard to his intention of making war, declaring, that God knew his heart abhorred it*; and to such a height did

* Husband's Col. p. 259, *et seq.* Rush, vol. iv. p. 624. Clar. vol. ii. p. 639, 640. "It may seem strange," says this author, "that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, that the king did intend to make war against the parliament, when they were so far from apprehending that he would be able to get an army to disturb them, that they were most assured he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control."—Clarendon says this, who yet informs us that war of the most rancorous kind had been determined on before the queen left England; and who, only on the seventh page preceding the one just quoted, writes thus—"Beyond the seas the queen was as intent to do her part, and to provide, that so good company as she heard was daily gathered together about the king, should not be dissolved for want of weapons to defend one another; and therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own and some of the crown jewels, a good quantity of powder and arms to be in readiness in Holland against the time that it should be found necessary to transport it to his majesty; so that both sides, while they entertained each other with discourses of peace, (which always carried a sharpness with them that whetted their appetite to war,) provided for that war which they saw would

he and his counsellors carry their hypocrisy, that, even on the 15th of June, when the arms had been purchased and sent from Holland, and the warlike preparations were far advanced, in council he took "notice of the rumours spread, and informations given, which might induce many to believe that his majesty intended to make war against his parliament; professed before God, and said, he declared to all the world, that he always had and did abhor all such designs, and desired his nobility and council, who were there upon the place, to declare whether they had not been witnesses of his frequent and earnest professions to that purpose. Whether they saw any colour of preparations, or counsels that might reasonably beget a belief of any such design; and whether they were not fully persuaded that his majesty had no such intention: But that all his endeavours, according to his many professions, tended to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of the kingdom." "Whereupon all the lords and counsellors present unanimously agreed, and did sign a paper in these words:" "We, whose names are underwritten, in obedience to his majesty's desire, and out of the

not be prevented." P. 538.—He elsewhere informs us, that the parliament was apprised of all the royal motions, and particularly of the queen's selling and pawning the jewels to purchase arms. P. 640.—Such is the veracity of Lord Clarendon, the individual panegyrised and followed by Mr. Hume, who says that "he was too honest a man to falsify facts!"

duty which we owe to his majesty's honour and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon his parliament, and not seeing any colour of preparations or counsels that might reasonably beget the belief of any such designs, do profess before God, and testify to all the world, that we are fully persuaded that his majesty hath no such intention; but that all his endeavours tend to the firm and constant settlement of the true Protestant religion, the just privileges of parliament, the liberty of the subject, the law, peace, and prosperity of this kingdom *." This

* Clar. vol. ii. p. 654, *et seq.* It is impossible to conceive a more melancholy picture of insincerity, nay downright perfidy, than Charles and his advisers exhibited on this occasion. Nothing need be said of Clarendon who drew the papers; but what shall we say of Lord Falkland, whose memory has been so revered?

Mr. Laing, in endeavouring to shew that Charles had meditated war before the queen's departure, quotes Neal's History of the Puritans; where that writer informs us, that a few days after the king's removal from Whitehall, it was resolved, in a cabinet council at Windsor, that the queen, who was about to depart with her daughter for Holland, should carry the crown jewels thither, to pledge for money, ammunition, and arms, and to procure, by the intervention of the Pope's nuncio, 4000 soldiers from France and Spain, &c. Laing says, that he could not discover Neal's authority, but justly remarks, that his statement coincides with the inadvertent discoveries of Clarendon. I should be surprised at this, had I not early perceived that Laing, while he had looked through a number of manuscripts, had not sifted the numerous publications—including Neal himself—to which he refers, and on which the truth must chiefly depend.—The fact of the jewels appears from all authorities, Whitelocke, p. 45. May. Lib. ii. p. 42. Hutchinson, vol. i. p. 146. Ludlow, vol. i. p. 27. Mystery of Iniquity, p. 28. Clarendon, who quotes the very state papers

declaration was subscribed by thirty-five peers, and also by Lord Falkland and others! A long proclamation was grounded upon this, to the equal discredit of the veracity of Charles and his advisers and supporters. Amongst other things, he denied, in the most solemn language, and with affected indignation, his intention of introducing foreign troops into the kingdom, as a measure fraught with the ruin of the commonwealth; and yet he had, as we have seen, attempted such a thing in the first years of his reign—again at the commencement of the Scottish troubles—and even at this moment he was endeavouring to overwhelm the parliament by assistance from every potentate who would render it, and by even bartering the crown jewels *.

which passed between the king and parliament relative to this subject. See the papers in Husband's Col. Rush. vol. iv. p. 736, *et seq.* and parliamentary histories. With regard to the expectations of 4000 troops from each of the powers—of France and Spain—that seems to have been derived from the state papers, in which the charge is made by the parliament, in alleged reports from foreign parts, and denied by the king. As to the resolution formed in the cabinet-council at Windsor, had Laing looked through Neal, he would have found his authority within a few pages of that quoted by him, p. 605. It is Father Orleans who not only tells us this, but develops the truth as to the resolutions formed by Charles before he went to Scotland. Tome iii. p. 72, *et seq.* See Clar. vol. ii. p. 712, for a passage not hitherto referred to. See a curious letter from the ambassador at the court of France to one of the secretaries of state. Clarendon's State Papers, vol. ii. p. 137.

* See the state papers on this subject in Husband, Clar. Rush. &c. See also in the king's cabinet opened, the instructions to be pursued by Colonel Cochrane, in his negociation with the King of Denmark for assistance. Charles proposed to give as a security the great collar of rubies, which has been already so much spoken of. The publica-

Arms arrive to the king from Holland.

On the 2d of June, a vessel with the long expected supply of arms arrived. The ship had been captured in the Humber; but having escaped as the parliament-vessel was carrying her into Hull, ran ashore upon Kenningham creek. The ordnance, consisting of sixteen large guns, with a great store of small arms and ammunition, was immediately landed, and the countrymen were armed to besiege Hull. That town had, however, been by this time well prepared for defence, while the motives for besieging it were greatly withdrawn. The loyalty of the inhabitants had been tried, and their integrity secured, by a protestation which had been proposed, to maintain the place for the king and parliament. The majority readily took it: Those who refused it were expelled the town. The great ordnance, with a large proportion of the small arms and ammunition, had been sent to the Tower, as well with a view to remove the motives for besieging the town, as to prevent their falling into the enemies' hands. New officers were likewise appointed, as the old could not be depended upon *.

Charles, having formed his resolution, marched from York to Beverly, which is situated at the dis-

tion referred to presents a deplorable proof of perfidy on the part of Charles; and it is truly melancholy to find Hume and others, in the face of such irrefragable evidence, contend for that monarch's sincerity. See also Ludlow, vol. i. p. 38.

* Rush. vol. iv. p. 565, *et seq.* Clar. vol. ii. p. 506, *et seq.* Old Parl. Hist. vol. x. p. 533, *et seq.*; xi. p. 62, *et seq.* Cobbett's, vol. ii. p. 1235, *et seq.* May, lib. ii. p. 90, *et seq.*

tance of a few miles from Hull. His army is reported to have consisted of 3000 foot and 1000 horse. But he relied confidently on the co-operation of the fleet under Sir John Pennington, whom he had just appointed to the command. The commission of the Earl of Northumberland had been withdrawn by him, and a fresh commission was proferred to that nobleman by the parliament; but as he had owed his office to Charles, he refused by such a course to turn the fleet against his employer; and the Earl of Warwick was nominated in his stead. Charles at the same time nominated Sir John Pennington, who had already incurred the resentment of both houses, by assisting in the escape of Digby, when, under the royal warrant, that young nobleman fled from justice; but the affections of the sailors were all devoted to the parliament, and when their officers endeavoured to preserve authority over them for the king, they immediately seized these officers as enemies to the state, and sent them to London. In this way the earl obtained the command; and Charles, disappointed in his hopes from that quarter, and perceiving that the town was well prepared for a vigorous defence, was obliged to abandon his design *. An attempt on Hull.

* Clar. vol. ii. p. 674, *et seq.* Rush. vol. iv. p. 502-3, 530-7, 572, May, lib. ii. p. 91. Clarendon abuses the sailors as corrupted in their affections to the monarch; whence two reflections arise. He, and after him Hume, accuses the commons of a purpose to insult the king, &c. by insisting upon the removal of Byron from the command of the Tower, because he was a man of unblemished reputa-

As war was unavoidable, the two houses vigorously prepared for it as well as the king. The militia ordnance was enforced by the first; the array was resorted to by the last. In some counties, by the influence of the great aristocracy, the king was successful. In most, however, the parliament prevailed; and in almost all the towns they encountered small opposition. In the mean time both parties endeavoured to gain the people, by asserting the uprightness of their intentions; and the state papers which passed on the occasion, unquestionably do credit to the talents of the writers on either side; but it would be difficult to convince an impartial peruser of them, that the display of talent and argument was, as Mr. Hume asserts, chiefly on that of the king.

Forgetting that those rules which apply to the ordinary administration of affairs must yield to unprecedented conjunctures, Charles and his ad-

tion. But the instance before us shews what they deemed necessary to a good reputation; and no one will seriously deny, that a good character with them was the worst recommendation to the parliament. After Byron's conduct, indeed, it is extraordinary that such statements should have been made. But even Lunsford, the convicted assassin, is not condemned by Hume! The next reflection relates to Carte, who, in defence of Strafforde and Charles's conduct in raising the Catholic army, alleges that the officers were all Protestants, and that it was a matter of indifference what the soldiers were—*though they joined the insurgents*—and he appeals to all the officers in Europe in support of his opinion. Now, the case before us, as well as that which occurred in regard to the English army raised against the Scots, completely refutes the idea. Officers are the worst judges of such matters: They are lost in extraordinary conjunctures.

visers enticed Littleton, the Lord Keeper, to join the royal party at York, and carry with him the great seal; and also determined to remove the courts of justice from Westminster; flattering themselves that, as it was high treason to counterfeit the great seal, the two houses would either not venture to violate a law, which, though salutary as a general principle, was inapplicable to the present case, when a pretext of law was employed to overturn every legal security, on that the people would refuse to follow them in so unusual a course, while the removal of the courts would frighten the metropolis, if not the parliament, into submission: But these devices were not calculated for the era. A new seal was ordered; and measures were adopted to frustrate the royal hopes on the other ground *.

Littleton carries the great seal to the king.

With the same success too did the king allege

* Cobbett, vol. ii. p. 1234-70. Old Parl. Hist. vol. i. p. 530. xi. p. 46. Clar. Life, vol. i. p. 59, 116, 568, *et seq.* Hist. vol. ii. p. 666, *et seq.* Whitelocke, p. 59, 60. Rush. vol. iv. p. 655, *et seq.* 718. Clarendon says that there seldom met above twenty-five peers at Westminster, while there were at this time about a hundred altogether, including minors, &c. Hume, not content with Clarendon's statement, asserts that there were rarely above sixteen; and he states this to shew that the opposition to the king being unsupported by the peerage was indefensible? Let us see how this applies to the revolution of 1688. I was at pains to inquire about the Stuart papers, but finding that none related to the period I have chosen, I did not endeavour to see them, which perhaps would have been a difficult matter, particularly at that time; but I was informed that it appears by them, that a vast proportion—a great majority—of the British nobility corresponded with the Pretender. The conclusion is obvious. But the majority of the peers still attended the parliament. See List in Old Parl. Hist. vol. xi. p. 87. Cobbett, vol. ii. p. 1296.

that the majority of the peers had joined him, or at least deserted the parliament, and therefore that the parliament had lost the character of a free assembly. The two houses denied the fact, and prosecuted absentees for abandoning their places, while they refuted the idea, that because a part of their number deserted their duty, they should resign the management of affairs to the will of an individual. Indeed it must be confessed, that the allegations of the royalist party on this head, though they have obtained the assent of the unreflecting, do not bear scrutiny. The necessary effect of a guard, which Charles so keenly refused, has already been explained; and now it may be necessary to advert to another bill, which the Commons in particular were anxious for, after the irruption of the king and his followers into the lower house, but which Charles indignantly rejected, to enable the two houses to adjourn to whatever place they chose *. It was alleged that the factious minority of both houses, in conjunction with the London citizens, chased away the majority; and that had the parliament been assembled elsewhere, very different measures would have been adopted. But, as we have seen, a guard appointed by both houses must have been completely under the controul of the majority in both, and had the other bill passed, it would only have been necessary for the majority of both houses to have assembled once, in order to have removed the

* Old Parl. Hist. vol. x. p. 198, *et seq.* Cobbet's, vol. ii. p. 1029, *et seq.*

session from the local influence of the metropolis. The assertions of the monarch and his advisers, particularly of Clarendon, about a few individuals governing the parliament, the city, the country, the army, &c. all against their wills, are so ridiculous, that every one would be astonished at the effrontery that could make them, were not his feelings at that not swallowed up in still greater astonishment at the credulity which could listen to such monstrous absurdities *. The real fact seems to have been, that many, afraid that the king would ultimately prevail, (and in so unprecedented a crisis it is not wonderful,) were willing, out of a selfish fear, not to interfere with politics which they were pleased with; and that many resorted to him on the same principle.

State of parties.

Charles had the zealous co-operation of the whole Catholic body, who were very numerous, and naturally joined a prince who favoured them, and who, by courting their support, promised to raise them from degradation to pre-eminence in the state. He had also the keen support of the high church party, whose principles were not far removed from popery: A considerable portion of the great aristocracy too, alarmed for their own exclusive privileges, joined him. But, though of those many were courtiers who adhered to the crown, with a resolution to carry matters to any extremity, in order to obtain the rewards which they anticipated and were promised, for serving

* There was an excellent pamphlet published on this subject.

the prince against his people, a great proportion were actuated by better motives. They indeed clung to their own privileges, which they imagined the popular spirit now afloat might subvert; but they dreaded the success of the monarch as fraught with the ruin of the general freedom, and justly concluded, that the papistical party would immediately regain their footing, and, forgetting the last benefit in their sense of former opposition and insult, wreak vengeance on those most immediately obnoxious to their complete advancement. Men of such principles, therefore, laboured to accomplish a reconcilement, and their temper is apparent in many of the loyal addresses. In order to gain them, Charles was obliged to come under the most solemn engagements to preserve the laws; and he the more readily took the engagements, because he hoped by such means to be relieved from the obligation to keep them *.

* This abundantly appears from the various authorities. The following passages from Letters by Robert Lord Spencer to his wife, a daughter of the Earl of Leicester, throw much light upon the subject. The first is dated from Shrewsbury, 21st Sept. 1641. He had joined the royal standard, and he fell fighting under it. "The king's condition is much improved of late; his force increaseth daily, which increaseth the insolency of the *papists*. How much I am unsatisfied with the proceedings here, I have at large expressed in several letters. Neither is there wanting daily handsome occasion to retire, were it not for grinning honour. For let occasion be never so handsome, unless a man were resolved to fight on the parliament side, which, for my part, I had rather be hanged, it will be said without doubt, that a man is afraid to fight. *If there could be an expedient found to salve the punctilio of honour, I would not continue here an hour.* The discontent that I, and many other honest men receive daily, is beyond ex-

The parliament, on the other hand, had the support of the towns, of a considerable portion of the highest aristocracy, and generally of the gentry,

pression. People are much divided; the king is of late very much averse to peace by the persuasions of 202 and 111. It is likewise well conceived that the king has taken a resolution not to do any thing in that way before the queen comes; for people advising the king to agree with the parliament was the occasion of the queen's return. Till that time no advice will be received. Nevertheless the honest men will take all occasions to procure an accommodation, which the king, when he sent those messages, did heartily desire, (in this his lordship was, with many others, deceived,) and would still make offers in that way, but for 220, 111, and the expectations of the queen, and the fear of the papists, who threaten people of 342. I feare 243 (papists) threats have a much greater influence upon 83 (king) than upon 343." In the next letter, undated, but shortly after the preceding, he says, "If the king, or rather 243, prevail, we are in sad condition, for they will be insupportable to all, but most to us who have opposed them, so that if the king prevails by force, I must not live at home, which is grievous to me, but more to you; but if I apprehend, I shall not be suffered to live in England; and yet I cannot fancy any way to avoid both; for the king is so awed by 243, that he dares not propose peace, or accept; *I fear by his last message he is engaged.* But if that be offered by the parliament, I and others will speak their opinions, though by that concerning the treaty were threatened by 243, who caused 99 to be commanded by the king upon his allegiance to returne against his will, he being too powerfull for 102, 111, and by whom England is now likely to be governed." Sidney Papers, vol. ii. p. 667, 668. The reader will observe that 243 are the papists, and yet Mr. Hume makes the idea of danger from that body the unceasing subject of derision. One would almost imagine that he carried the same scepticism,—*towards one side*—into history that he used in metaphysics, by which he doubted the existence of the universe. It is so singular that an author of Mr. Hume's acuteness should have fallen into such an error, or rather that his statements should have been so successful, that it may not be improper, in this place, to present a rapid view of the progress of the reformation, and of public opinion on that subject.—The first motion by Henry VIII. to throw off the papal yoke, occurred in the year 1530,

and the lower independent country ranks, particularly the yeomen; of all, in short, who had an in-

and Charles ascended the throne in 1625, or ninety-five years afterwards. The progress that it made, with all the circumstances which attended it under Henry VIII. and his son, it is unnecessary to recapitulate. In 1553, the Catholic worship was restored, and continued to be the established religion till 1558, or till only sixty-seven years of the reign of Charles. Nor can the spirit with which it was restored and enforced without horror be remembered. The plots, conspiracies, and rebellions, in conjunction with foreign princes, for the restoration of the pope's power in Elizabeth's time, and the state of affairs on the Continent, must be fresh in the reader's memory. But he may be reminded, that the massacre at Paris on St. Bartholomew's eve, occurred in 1572, or within the memory of many who must have been in the full possession of their faculties in 1625, or fifty-seven years afterwards; and that the Spanish armada appeared on the English coast in 1588, or within thirty-seven years. The next fearful event was the gunpowder plot, to blow up the king and parliament, and thus destroy the constitution, when the conspirators imagined they should be able to take the government into their own hands, and force the nation to return into the bosom of the Catholic church. This, however, happened not only in the reign of Charles' father, but within twenty-one years of his own accession. To maintain, therefore, that the papists were not a numerous, and a most formidable body at the accession of Charles, is to set all probability, as it does all authority, at defiance; and we may remark, that the very laws against them, which had partly sprung from their own atrocities, necessarily nurtured rancour in the breasts of all who still adhered to that faith. It will now be recollected that Charles had himself proposed to his father to acknowledge the papal supremacy; that foreigners treated with him on the 'Catholics' account; that he had not only ever favoured that body, but that a negociation for reconcilement with the court of Rome in his reign had proceeded far, while the papists, both at home and abroad, expected it; and, lastly, that the Irish rebellion, which, in spite of all its unheard-of enormities, the pope hallowed with his fatherly benedictions, &c. and Spain, at least, encouraged, had just made Ireland a place of desolation. When these things are called to mind, it will naturally be asked how Mr. Hume could adopt the style he has used? but the solution is easy. The concealed, yet suspected religion of Charles II. and the avowed creed of his brother, inspired just apprehensions for religion,

dependent stake in the community. These perceived that their own liberties and the success of

though the progress of time and events had vastly lessened the number of papists. Out of this panic grew that phenomenon called the popish plot. James II. confirmed the national fears, by attempting against all reason to carry the people back to the Romish persuasion; and, as every body knows, the revolution of 1688 flowed as much from religious as from civil causes. So long as the Pretender threatened British tranquillity, a cry was zealously maintained by those in power against papists, who by this time had become altogether contemptible as a party in the state. The necessary consequence of protracting the alarm when the cause had ceased, was a feeling of shame at the trick in the well-informed, conscientious portion of the Whig party, while it afforded a decisive triumph to the whole Jacobite or Tory party. But men never stop at the exact line. Having discovered how much they had been deluded, and having perceived that the credulity of their forefathers had, in regard to the popish plot, been so abused, the better informed extended their contempt of the popular feeling which outlived the cause, to ages when matters were in a very different posture. Of this Mr. Hume knew well how to take advantage. He informs us in his life, that "he thought himself the only historian that had at once neglected present power, interest, and authority, and the cry of popular prejudice." But the reception of Carte's works, in spite of all their violence, might have taught him, considering how unsparingly he borrowed from them, to expect success; and have convinced him that the tide was turned. After the year 1745, the hopes of the Pretender were blasted; his party soon abandoned his cause as desperate, and then, far from being excluded from power, they soon got to the helm. The high-church party had been hitherto opposed to the administration, while the dissenters had been favoured; but the aspect of affairs was now changed. The high-church party were in power, and heightened the contempt at the dissenters, by the ridicule of their affected terror of popery. Now, it is remarkable, that though Hume's history, by having a little preceded the current, was not at first very successful, it soon became so when the tide flowed fast in its new direction.

Roger Coke is a weak writer, but his authority as to the fears of the high royalists, regarding the king's ascendancy, which, he tells us, he learned from themselves, is in unison with the above, and also with the correspondence in Clarendon's State Papers. Coke, p. 279.

the king were irreconcileable, and they zealously co-operated with the parliament *.

Before actually resorting to arms, the parliament, as a last effort to accommodate matters without the effusion of human blood in an unnatural quarrel, sent nineteen propositions to the king, which were of the same nature with what had been resolved upon while Charles was in Scotland, if not even prior to that period, and which were similar to the regulations in the sister kingdom. They were to this purpose: That the privy councillors, and the great officers of state, should only be appointed with the approbation of both houses, and that the councillors, and also the judges, should take an oath, (such as should be devised by both houses,) for the due execution of their offices, and be responsible to parliament: That the privy council should not exceed twenty-five, nor be under fifteen, and that every act passed by them should be agreed to by the majority: That if any places in the council should become vacant during the intervals of parliament, they should be supplied by the approbation of the majority of that body, and the choice afterwards be submitted to the parliament: That all matters proper for the cognizance of both houses should be debated there only: That the high offices of constable, treasurer, privy seal, marshall, admiral, warden of the cinque ports,

Even some popish lords were alarmed for the general franchises, and only supported Charles upon a solemn assurance that he would not violate them. Clar. Papers, vol. ii. p. 147.

* This abundantly appears from various authorities.

chief governor of Ireland, chancellor of the exchequer, master of the wards, the secretaries of state, the two chief-justices, and the chief-baron, should always be chosen with the approbation of both houses, or, in the interval of parliament, by the council, in the same manner as privy councillors, and that the patents to the judges should be *quamdiu se bene gesserint*: That no marriage should be contracted by any of the royal family without the consent of parliament, and that their governors should be appointed with the approbation of both houses: That such a reformation of the ecclesiastical government as both houses recommended should be adopted: That the forts and the militia should be under the command and custody of persons approved of by both houses: That the peers who should be created afterwards should not be admitted to vote in parliament without the approbation of both houses: That a bill should be passed to clear Lord Kimbolton and the others: That delinquents should be given up to justice, &c.

"Should I grant these demands," said the king, "I may be waited on bareheaded; I may have my hand kissed; the title of majesty may be continued to me; and the king's authority signified by both houses, may still be the style of your commands; I may have swords and maces carried before me, and please myself with the sight of a crown and a sceptre, (though even these would not long flourish where the stock upon which they grew was dead.) But as to true and real power, I should remain but the outside, but the picture,

but the sign of a king." Yet he for long after professed his abhorrence of reducing his people by force *.

The parliament, to raise money, issued orders for loans, by contributing plate, &c.; and the citizens of London, and the females, exemplified their zeal by bringing even their trinkets into the common stock. Charles was also liberally supplied by his adherents; and he afforded an invincible proof of his feelings in regard to Ireland, and of the wisdom of parliament in not trusting him, by seizing for his own use, against the people of England, the military stores, &c. provided for that devoted country. The parliament also, by ordinance, appropriated the duties of tonnage and poundage †, though Charles laboured hard to obtain them; and it borrowed L.100,000 out of L.400,000, which had been voted for the relief of Ireland ‡. The last provoked the bitterest invectives from the royalist party, as if the parliament, in the prosecution of its own ambitious schemes, acted not only with indifference, but with the grossest injustice, nay even perfidy, towards that unhappy island; and certain historians have likewise condemned it as at least equally indefensible with the conduct of the king in seizing upon the horses, waggons, &c. which

* Rush. vol. iv. p. 722, *et seq.* Cobbett's, vol. ii. p. 1324, *et seq.* Old Parl. Hist. vol. ix. p. 116, *et seq.* Journals of the Commons. May; lib. ii. p. 74, *et seq.* Ludlow, vol. i. p. 31, *et seq.*

† Cobbett's Parl. Hist. vol. ii. p. 1479. Husband's Col.

‡ Cobbett's Parl. Hist. vol. ii. p. 1443, *et seq.*

had been provided for that country. But the idea proceeds upon the erroneous assumption that this was merely a struggle for power between Charles Stuart and a set of men called the parliament: whereas both could not justly be regarded in any other light than as trustees for the public. If the parliament betrayed its trust, the king was certainly called upon as a joint trustee to interpose for the public good; and if this could be established to have been the part he performed, his seizure of the horses, &c. provided for Ireland, must be pronounced laudable, since surely the people of England could never intend to serve the sister isle at the expense of their own ruin. But if, on the other hand, the parliament, in this struggle, discharged its duty to its constituents, in defeating the designs of the sovereign to overturn their laws and liberties, then it cannot be considered as distinct from the community which it represented; and as the nation's first object must have been the preservation of the general rights and safety against a prince who availed himself of the limited authority entrusted to him, to subvert all that he was appointed to defend, parliament was imperiously called upon as trustee for the public, to employ the people's own money in the people's own defence *.

* Rush. vol. iv. p. 743.; v. p. 13, 14. Whitelocke, p. 61. May, lib. ii. p. 65, 66. Parliamentary Histories. Oliver Cromwell performed a notable service, by preventing the university of Oxford from sending their plate to the king. Cobbett's Parl. Hist. vol. ii. p. 1453. May, lib. iii. p. 74. I persuade myself that no man

will now seriously dispute that Charles drove the people into a war by invading their liberties, and determining on hostilities or force upon both houses, and therefore that all Mr. Hume's statements, in which he ascribes the whole to fanaticism, are utterly absurd. I am sorry to add, that they are altogether uncandid; and as to what he says about "the danger not being of that kind, great, urgent, inevitable, which dissolves all law, and levels all limitations," &c. I do not understand it. The question was, whether the English people were for ever to renounce their civil and religious liberty, and sink into the same deplorable condition with the other great European monarchies? and though Mr. Hume might see in that nothing worth a struggle, I trust there are not many of his opinion. It is strange too to argue that the king's power was so much diminished as to be no longer a cause of fear, when Charles had actually resolved on war. This is much of the same species of argument with that in favour of James, when he says that that monarch must have succeeded to the same plenitude of power which he assumed, because he arrogated it; and also of Charles in regard to the German horse, while he is forced to acknowledge that that prince did then usurp arbitrary power without its assistance. But would not the argument apply with greater force to the sons of that king?

CHAP. VIII.

Commencement of the Civil War.—State of parties.—Battle of Edge Hill.—King's attempt on Brentford.—Negociation at Oxford.—Landing of the Queen.—Policy of Charles in regard to Ireland and Scotland.—Actions in various Quarters.—Fall of Reading.—Death of Hampden.—Battle of Stratton.—Of Lansdown—Of Roundwaydown.—Bristol taken.—Siege of Glo'ster.—Battle of Newbury.—State of Affairs.—The Solemn League and Covenant, and arming of the Scots.—Cessation with Ireland.—Death of Pym.

State of parties.

It may not be improper, at the commencement of hostilities, to take a concise view of the state of parties. Of the nobility, too many had been originally attached to the court, as the fountain of their own power, and still wished to promote its schemes: others, having been lately struck with apprehensions that the spirit which animated the Commons and the great mass of the people, was hostile to their exclusive privileges; and expecting preferment from, while they dreaded the vengeance of, the court, which they imagined would be ultimately successful, and would doubtless mark out those in highest place for the first sacrifices, had, after temporizing for a time, joined

the king. Many in the lower house, actuated by similar motives, had also deserted their duty in Parliament, and fled to the royal standard: but we have already shewn the vanity of that idea which presupposes that they wished complete success to the monarch, or were actuated by generous motives of loyalty. They still hoped for accommodation as the only resource against tyranny in the king and encroachment in the people; and the scrambling for office, and honours, &c. the heart-burnings and jealousies, together with the desertion of their royal master in his utmost need, all detailed by Clarendon*,—strip their characters of that air of romance with which certain historians have so sedulously clothed them. There were even some prudent members of the peerage, who, wisely calculating chances, arrayed one part of their sons on one side and another on the other,—the plan so generally pursued afterwards in Scotland,—that the titles and estates might be preserved in the family. But the great aristocracy, on whom the king so much relied, though they could bring their immediate dependents into the field, were in other respects rather calculated to grace the court, and by their influence in society, support it in an hour of peace, than prevail in the present conflict. The rank and title on which their claim to public respect was founded in ordinary times, naturally disposed them to confide in these advantages, instead of cultivat-

* See particularly vol. iii. p. 361-2.; iv. p. 554, *et seq.*

ing the habits of mental energy and activity requisite for such a crisis; and accordingly, the sloth which sprang from their situation was remarked even by their friends. As officers, they proved rather jolly companions than good soldiers; and each removal by death or otherwise was hurtful to the cause, since the influence over their dependents was lost, and, merit never having been rewarded with place, the king wanted others to supply their room. Even the common soldiery were composed of materials far inferior to those of the parliament; for the aristocracy, though they might call their dependents into the field, could never inspire that zeal which actuates men deeply interested in the public government, and ardent for the preservation of freedom. The foot, therefore, was even at the beginning inferior to that of the parliament; but many of a good station having entered into the ranks of the cavalry *, a far higher spirit prevailed in that department of the military. It is true that some individuals of eminent talent did resort to the king; but as these were politicians, calculated for the closet, not the field, and who were destitute of the vigour or influence of a popular meeting, while Charles only followed their counsel, when it corresponded with his secret designs, which he

* Clarendon pretends that one troop of cavalry possessed more property than all the commons who voted the war at Westminster; but he prudently restrains from all particulars by which his statement could have been contradicted; yet Mr. Hume adopts it, though he had also maintained that the commons' house in the beginning of this reign possessed three times the wealth of the house of peers.

never thoroughly revealed even to them, their abilities and accomplishments were of comparatively small advantage. The old clergy and high-church party strictly adhered to the royal side; and Charles depended greatly on the whole Catholic body, who zealously supported him, from the hope of promoting both their religion and their influence in the state.

In talent, zeal, and energy, the opposite party were infinitely superior. No age nor country ever could boast of a greater number of admirable statesmen than at this period dignified the English parliament: Their capacity for affairs was equalled only by their unremitting assiduity. A committee of the most eminent was appointed to manage the war as well as foreign business, and being ever responsible to the general body when it required information, their whole powers were exerted to merit its approbation. Hence, the parliament, though a public body, could act with the requisite secrecy, while they lost no opportunity of diving into the most secret consultations and projects of their adversaries; and in this were so successful, that no measure was, at any time, devised by the royal party, whether in regard to foreign connections, supplies of arms, or internal action, that escaped their vigilance. The most confidential servants of Charles indeed were always ready to betray him; but they who betrayed the laws and rights of their country could not, without a foolish presumption, be expected to stand true to the prince, whose services imported treachery to the

state: the cold, formal, and forbidding manner of Charles, was incompatible with affection to his person.

Towns are the region of liberal spirit, and of the talent calculated to vindicate one's rights: and the metropolis and the other independent towns were all equally zealous for the parliament. The haughty carriage of the nobility, which bespoke contempt for the sober citizen, was returned with no friendly feeling by men whose independent fortunes did not raise them to proportional respect. The numerous monopolies and obstructions to trade had inflamed the mass of the inhabitants on pure grounds of pecuniary interest, as had the arbitrary measures of the court, both in regard to civil and political liberty, struck them with dismay. So anxious had the prince been to suppress the spirit of the capital, that he had interferred with the appointment of their magistrates; and even in the hour of his greatest necessity, during the Scottish invasion, he had meditated greater changes: On the same principle, he eagerly, against law, interdicted the resort thither of the nobility and gentry. It is unnecessary to remark that the support of the towns was a sure fund of money, if not of men.

In the country, the greater portion of the principal gentry, and almost all the inferior, together with the freeholders and yeomen, were heartily inclined to the popular side; and as these inferior ranks were prepared to arm in defence of the cause, it is easy to conceive that, when embodied, they would be actuated with a spirit and intelligence to

which ordinary troops must be ever strangers. But the parliamentary party enjoyed another vast advantage in the very constitution of a popular assembly. Enterprise and talent looked thither for distinction, well assured that as they could not long be hid from the public eye, so they could not long be confined to an inferior station. The voice of the people and the army itself recommended abilities, and the necessity of employing these could not be, for any considerable period, overlooked or disregarded. Nothing of the kind could be expected from the opposite side. As, after his disappointment in regard to seizing Portsmouth and Hull, and arming a body of mercenaries—papists, or desperadoes, to crush the legislative assembly before it could be in a condition to make a struggle, Charles was obliged to throw himself in a manner upon a portion of the great aristocracy, so he was obliged to nominate them to the chief commands without regard to their qualifications; and, though some experienced soldiers were allowed to hold a certain rank in the army, it followed, from the nature of things, that, had he displaced men of a high sphere, for abilities in an inferior walk of life, he would have offended the whole and been deserted. Besides, he could not be guided by the popular voice when he had not its support; and it seldom happens that an individual, who has been born to the rank of sovereignty, has either the quick discernment, or the manliness of, a popular assembly in the selection of his servants. Accustomed to flattery, he is too often misled by the minions of his

court, and bestows upon those who re-echo his preconceived purposes, the places to which talent and virtue should be alone assigned *. Hence it happened, that the royalist officers were distinguished by gross habits of dissipation and inattention to the duties of their calling, while the parliamentary officers were contradistinguished by the strictest decency of deportment and indefatigable industry in their stations.

From this view, it must appear strange that the king should have been able for such a length of time to maintain the contest; but, in truth, he was no longer successful than while the operation of these causes in regard to his adversaries was suspended. So many of the peerage had left the parliament, that Charles had obtained an advantage in denying it the character of a free assembly: Had, therefore, the remainder deserted to him, the imputation would have been confirmed, and the character of the parliament, as comprehending both houses, would have sustained a serious injury. It was, on this account, deemed necessary to gratify the remainder, by conferring offices upon them; and as few of them were either imbued with the resolution demanded by the exigency,—having always a regard to their exclusive privileges, which might be endangered by the conflict, whatever side prevailed,—or were endowed with the qualities demanded by the occasion, they counteracted for a time the vigour of other principles, and brought a

* See even Clar. vol. iv. p. 481, 554, *et seq.*

great portion of those disadvantages upon the parliament that the monarch laboured under.

The absurd notions prevalent upon the art of war, as if military tactics involved some mystery which could only be acquired by long practice, had also an unfavourable effect. Inured to peace, the people for a season confided only in officers who had returned from the Continent, with that knowledge of the military art which it was erroneously supposed could only be attained there *; and the old soldiers, who carried with them to the field all the timid notions of warfare practised abroad in mercenary armies, were exceedingly prized and generally consulted. But it is extraordinary that, with the exception of Skippon, not one of these on either side distinguished himself. In this art, as in most, if not all, others, great ability will soon acquire all the knowledge and dexterity which are requisite for command; and instead of servilely following the dull rules which have been handed down unquestioned from one generation to another, it will scrupulously examine the principles on which they are founded, and either strike out a new path for itself, or improve the art in so far as it is established; while the ardour of men whose souls are thrown into the cause, disdains the cautious, timid, policy displayed by soldiers of fortune, who, when opposed to each other, appear to esteem it their highest praise to preserve their troops unhurt. The listless inactivity of ordinary troops too, whose officers are pro-

* Ludlow, vol. i. p. 46.

moted from connection, cannot stand the shock of that fervour which possesses a popular army, where the whole mass, stimulated with the hope of rapid, if merited, advancement, rouse every faculty into exertion. Accordingly we shall find that, immediately after the new model of the parliamentary army, the decisive measures of its generals were every where successful.

Charles erects his standard at Nottingham, 25th Aug. 1642.

On the 25th of August, Charles erected his standard at Nottingham; but though that county, through the influence of the Earl of Newcastle, was much devoted to the royal cause, the king was greatly disappointed in the number that flocked to him. His artillery had been left at York, and his chief strength consisted in the cavalry, which is said not to have exceeded 800. The Earl of Lindsay, as having served with reputation in the Low Countries, was appointed general, Prince Rupert, the king's nephew, commanded the horse. He, with his brother Maurice, sons of the late Elector Palatine, came to England and proffered their services to Charles, which were accepted of, while their brother, the ex-Elector, as if they had been actuated by the policy which distinguished some noble families, and afterwards the Scots, sedulously applied himself to the popular party in parliament to interest them in the recovery of the palatinate *. Many ill omens occurred to terrify

* Clar. State Papers, vol. ii. p. 150. Whitelocke, p. 85. May, lib. iii. p. 12, *et seq.* This very Elector had been obliged to leave England, from having so warmly espoused the royal cause, as to accompany Charles in his violent entrance into the lower house.

the king and his adherents; in particular the standard was blown down by a tempestuous wind, and could not be re-erected for a day or two—a circumstance which is related with religious awe bv Clarendon. Had the parliamentary army, which at this time far exceeded the king's, been brought into action, the royal forces must have been instantly dissipated: even Sir Jacob Astley, the king's standard-bearer, declared that he could not give any assurance against his majesty's being taken out of his bed, if a brisk attempt were made: but decisive measures were not yet consentaneous either to the feelings of the general or the parliament *. From the same motives, another opportunity was lost: indeed matters were in so unprecedented a situation, that it is not wonderful the parliament should have acted with indecision. Though the royal forces had been routed, a fresh army might have been collected by Charles; and the termination of one war have been shortly followed by another, unless he were taken prisoner, and the whole frame of the government altered. But this was not suited to the temper of the times, and, therefore, it was probably imagined that the king, after perceiving the strength of his adversaries, and his own inability to continue the contest, for it was not supposed that his forces would be immediately augmented, would, without sustaining the dishonour of a defeat, submit to the propositions which he had previously rejected. Having

* Clar. vol. ii. p. 715; vol. iii. p. 1, *et seq.* Whitelocke, p. 61.

once engaged in hostilities, the passions of both sides naturally became more heated; but Charles's engagement to the queen, joined to his own headstrong temper, precluded all accommodation: many of his followers dreaded proceedings against them in parliament; and the apparent indecision of the two houses and their general, inspired them with the vain hope that the king would ultimately triumph over all opposition. As for himself, there was one principle—a fatal one to him, and pernicious to the adverse party, on which he confidently relied—that in any event his person, liberty, and regal dignity would be secure; and that, while success would render him absolute, discomfiture would merely reduce him to the necessity of submitting to the terms that had been already proposed to him as the only basis of accommodation. Had he believed that he was himself obnoxious to justice for overturning that constitution of which he was appointed the sworn guardian, and carrying misery and bloodshed throughout the kingdom; in short, had he expected to be deposed and exiled in the event of discomfiture, he most probably would never have resorted to force against his people and the law, or would have quickly laid down his arms; his office as well as his life might have been preserved, and the privileges of the people vindicated: but when we consider that he imagined he had every thing to gain, and nothing to lose, we need be the less surprised at his pertinacious adherence to principles destructive of the civil rights of the community.

Though the parliament did not yet chuse to act directly against the king himself, it ordered operations against his servants. Goring, who had long agreed to betray his trust, had, as governor of Portsmouth, declared for the king, and was obliged to yield the place to the parliament *. The Marquis of Hertford, in whom that assembly had latterly reposed trust, had likewise endeavoured to promote the service of the monarch in the county of Somerset, where his influence was great; but he was forced to fly before the parliamentary army †.

To raise an army, Charles tried the array; but commissioners, or lieutenants and their deputies appointed by the parliament, invariably opposed it; and as the middling and lower classes, who had no immediate dependence on the great aristocracy, were generally inclined towards the parliament, it was in most instances unsuccessful. The king on his part denounced Essex, whom the parliament had appointed general, and his followers, traitors. The parliament, on its part, retorted the

* Mr. Hume, in relating this affair, says, "This man" (Goring) "seemed to have rendered himself an implacable enemy to the king, *by betraying, probably magnifying,* the cabals of the army," &c. Now, Goring directly implicated the king and queen; and the historian scoffs at the idea of their guilt, while he abuses the parliament for accusing them; yet now, all that Goring is charged with by the same author, is betraying, probably magnifying, the cabals of the army! Rush. vol. iv. p. 683. Whitelocke, p. 60, 62. Clar. State Papers, vol. ii. p. 147. Hist. vol. iii. p. 19.

† Ib.

charge upon the advisers and followers of the monarch *.

Perceiving the smallness of the royal forces, and even dreading the success of Charles in this unnatural struggle, when they saw that the Catholic party would then bear the sway, the nobility who attended him advised accommodation; but nothing could be more remote from the royal designs. Besides that he had promised solemnly to his consort, which "shut out all opposite consultations," not to enter into such measures, he persisted, both because he thought he had nothing to lose, and because by assistance from abroad, and taking arms from the trained-bands, to arm soldiers, as well as by seizing stores provided for Ireland, he might soon be in a situation to cope with, and master, his adversaries. He therefore suddenly broke up the council, to quash such proceedings; but when the matter was renewed, he agreed to send a messenger with propositions, which he was determined should be unproductive of any pacific result. The message was carried by the Earl of Southampton to the Lords, and Sir John Colepepper and Sir William Uvedale to the Commons. The first presumptuously offered to take his seat; but was instantly ordered, as a traitor to the commonwealth, to withdraw, and also to quit the town. The two latter having acted with more discretion towards the lower house, were treated with greater civility. The parliament declared, in their answer, that, till

* Rush. vol. iv. p. 655, *et seq.* Whitelocke, p. 61. May, lib. ii c. 6.

the king recalled his proclamation of treason against Essex and others, and took down his standard, they could not treat. Charles replied, that he never intended to declare the parliament traitors, nor to set up his standard against it; and that, if their proclamation of treason were recalled, he would likewise recal his. The two houses then desired him to put away his evil councillors, and return to his parliament; voting that the arms of the parliament, for the religion, laws, and liberties of the kingdom, should not be abandoned till delinquents were brought to justice, and their estates rendered liable for the debts of the commonwealth, which their wickedness had been the cause of incurring. A petition of similar import was presented at the same time. Many of the royal followers keenly desired peace; but the idea of it never could have entered into the contemplation of Charles, considering the pledge which he had given to his consort *.

After this fruitless attempt at accommodation, the two houses justified their own conduct, and exposed that of their adversary, by declaration to the kingdom. They state that the justness of those fears and jealousies which had been so often expressed by them, relative to the king's intention to make war upon the parliament and people of England, were now fully and indisputably established, while it was also apparent that the oaths, pro-

* Whitelocke, p. 62, *et seq.* Sidney Papers, vol. ii. p. 667. Clar. vol. iii. p. 38, *et seq.* Rush. vol. iv. p. 786, *et seq.*; vol. v. p. 16, *et seq.* Husband's Coll. p. 581, *et seq.*

testations, and execrations, published in his name, in which that intention had been disavowed, were merely the devices of wicked councillors, to gain time for the accomplishment of their designs: That it was now evident that the war involved the Protestant religion itself as well as the laws; for that enormities were committed by the king's soldiers against the Protestant party, who were denominated round-heads, as they had formerly been puritans by the clergy: That arms had been taken from honest gentlemen, yeomen, and tradesmen, which had been called borrowing them, and put into the hands of desperadoes who could only subsist by rapine: That in the face of those vows and protestations to govern according to law, which had been circulated throughout the kingdom to mislead the people, the most mischievous principles of tyranny ever invented were openly practised—the scheme being nothing else than to disarm the middle classes of society, and maintain a mercenary army by forced contributions, as well as to erect a provincial government in the north *.

Charles briskly carried on his levies; and though he was disappointed in a supply of arms by a vessel dispatched from Holland by the queen, which was intercepted by the Earl of Warwick, he soon obtained arms by taking them from the trained-bands, and ransacking the armouries of noblemen. Men of highest quality in Derbyshire, Staffordshire, and Shropshire, supplied him with plate and

* Husband's Coll.

money. He soon, therefore, established a mint, and issued out coin. The waggons and carriage-horses prepared for Ireland were seized by his orders at Chester, as they were ready for embarkment. Before he was in a condition vigorously to take the field, he resolved to march to Shrewsbury, where he was assured of a strong party, and which was well situated, being defended by the Severn on one side, and on the other opening a secure passage into Wales, while it promised him Worcester and Chester. At Wellington, a day's march from Shrewsbury, he made a notable protestation at the head of his troops. After informing his soldiers that, on the other side, "they should meet with no enemies but traitors, most of them brownists, anabaptists, and *atheists*, such who desired to destroy both church and state, and who had already condemned them to ruin for being loyal to him," he, in the most solemn manner, uttered a protestation in these words:—"I do promise, in the presence of Almighty God, and as I hope for his blessing and protection, that I will, to the utmost of my power, defend and maintain the true reformed Protestant religion established in the church of England, and, by the grace of God, in the same will live and die. I desire to govern by all the known laws of the land, and that the liberty and property of the subject may be by them preserved with the same care as my own just rights. And, if it please God, by his blessing upon his army, raised for my necessary defence, to preserve me from this rebellion, I do solemnly and faithful-

ly promise, in the sight of God, to maintain the just privileges and freedom of parliament, and to govern by the known laws of the land to the utmost of my power; and, particularly, to observe inviolably the laws consented to by me this parliament. In the meanwhile, if this time of war, and the great necessity and straits I am now driven to, beget any violation of those, I hope it shall be imputed by God and men to the authors of this war, not to me, who have so earnestly laboured for the preservation of the peace of this kingdom. When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from heaven. But, in this resolution, I hope for the cheerful assistance of all good men, and am confident of God's blessing *."

Whoever has seriously attended to the preceding narrative, fortified as it is with the authority of Clarendon, who not only inadvertently developes the king's early determination to resort to arms against the parliament, but informs us that he passed bills, because he conceived he had, from the manner of their passage through the houses, a pretext for disregarding them as null—will be able to form some idea of the character of a prince that could thus appeal to heaven, and invoke the divine vengeance against himself, if he did not utter the truth, or adhere to what he vowed, when he was conscious, not only of having already belied all such professions, but of entertaining at the instant

* Clar. vol. ii. p. 16, 17.

purposes fraught with the direct destruction of the principles he proclaimed. Many, however, were deluded both with the substance of this protestation, and the solemnity with which it was pronounced, and the levies went on with additional briskness. But, though people at a distance, and such as from their situation were incapable of penetrating through this specious disguise, were deceived, the nobility around were not to be imposed upon. They well perceived that the papistical party would reap the benefit of success, and themselves who had contributed to it be exposed to the vengeance of the monarch and that body, because they stubbornly refused to second all his pernicious views. Yet Charles solemnly denied that he employed or countenanced Catholics, and absurdly retorted the charge upon his adversaries, as if they either could or durst attempt such a project.

In a short time Charles found himself at the head of ten thousand foot, fifteen hundred dragoons, and two thousand ordinary horse. His army was likewise on the increase; and a trifling advantage gained by Prince Rupert near Worcester, elated the army as well as the king with the idea that they should be able to march to London without opposition. Rupert had surprised some of the parliamentary troops in a defile, and killed about thirty of them; and this trifling skirmish being magnified into a vast adventure, as auguring future success, overcame the fear inspired by the ominous fall of the standard at Nottingham, and uplifted them with the notion that the name of Ru-

pert was from that moment terrible to their adversaries *.

The Earl of Essex, who had been bred a soldier in the Low Countries, and was deemed fitted by experience to lead the army as a general; as well as calculated to grace the cause by his character and rank in the peerage, was appointed to the command of the parliamentary army. Having obtained his instructions, he set himself at the head of the army, which amounted to about 15,000. Hampden, Hollis, and other leading men, entered into the service as colonels. The general's instructions were, that he should, before proceeding to fight, present a petition to the king, praying him to dissolve his army, and return to his parliament, and assuring him that, if he complied with the requisition, all the forces but those which might be necessary to secure his return should be disbanded: But that if his majesty refused accommodation, then the general should fight his army, and rescue him and his sons from his malignant advisers, and that he should proclaim a pardon to all who should withdraw from the king—with the exception of Richmond, Cumberland, Newcastle, Rivers, Caernarvon, Newark, Falkland, Nichols, Porter, and Hyde †.

When Essex sent a message to Charles about the delivery of the petition, he was apprised that,

* Sidney Papers, vol. ii. p. 667. Husbd.'s Col. Clar. vol. iii. p. 25, *et seq.* Rush. vol. v. p. 23, 24.

† Whitelocke, p. 62. *et seq.* May, lib. ii. ch. 5. Lib. iii. p. 5. *et seq.*

if it were delivered by any who stood accused by his majesty of high treason, it should be instantly rejected; and the answer put an end to all negociation. The king marched towards London, intending to reduce some places in his way, and Essex followed him: But, so imperfect was the military art, that both parties continued their march for ten days within twenty miles of each other, without intelligence of each other's motions.

It was at midnight, on the 22d of October, that Charles, while he intended to besiege Banbury Castle, was surprised by notice that Essex was in the neighbourhood. Upon this intelligence, he changed his motions, and resolved upon an immediate battle. His troops had been harassed by long marches, and some advised him to defer the engagement for another day, that the army might be refreshed; but, as the royal party, particularly the foot, had lived at free quarters wherever they went, and the country was, on this account, as well as from principle, hostile to them, it was unsafe to spend time there *. There was still a stronger reason for hazarding an engagement instantly. That a great portion of the parliamentary army, with the baggage, was about a day's march behind the main body, and the latter might be vanquished before the rest arrived. Besides, it

* Sidney Papers, p. 668. about the foot living at free quarters. Clarendon is, as usual, disingenuous. See vol. iii. p. 47. May, lib. ii. p. 3.

was expected that many of the parliamentary officers would desert to the king *. It is not easy to ascertain the exact amount of the royal army: According to some accounts, it was 18,000 strong, and it undoubtedly was about 12,000, but, though the royalists prudently declined to specify their number, yet, to magnify the victory which they, as well as the other party pretended to have gained, they declared themselves inferior to their adversaries. The army under Essex scarcely exceeded 10,000. The battle was fought on Edgehill, on the borders of Warwickshire, and the neighbourhood of Keinton; and the royal army occupied the height. The greater part of the king's horse, under the command of Rupert, was placed on the right wing, and it had the advantage of the wind as well as the eminence. The chief of the parliament's horse was also stationed on the right, under the command of Sir William Balfour, Sir Philip Stapleton, Lord Fielding, and Colonel Hurry. The left wing was commanded by a Scotsman, Commissary-General Ramsay. The wing opposed to Rupert was thus inferior, and in consequence of the wind, it was too much extended. This, with a very adverse circumstance, had nearly proved fatal to the whole army. Sir Faithful Fortescue, an Irishman, who had lately been engaged to serve against the rebels of his native country, had entered into the parliament's army, and having determined to desert to the king on the first oppor-

Battle of Edgehill.

* Clar. vol. iii. p. 42.

tunity, now availed himself of being stationed in front of the left wing to accomplish his treacherous purpose. At the very outset, he ordered his men, whom he had previously corrupted, to fire their pistols on the ground, and join the opposite side. The whole troop went over on the first brush, though seventeen of them suffered the just reward of their treachery, in being afterwards killed in mistake by the royalists, in consequence of their uniform. So unexpected a desertion not only weakened the left wing, which was not sufficiently strong at the first, but threw a weight into the opposite scale, while it spread distrust of each other's intentions all around. Rupert, in the mean time, drove furiously on, and put the horse to flight: The foot opening to receive their own body, were thrown into confusion, and the rout of that wing became universal. Had Rupert known how to use his success, the circumstance might have proved fatal: But his rashness, together with a bad arrangement in the command, saved his enemies. As so nearly allied to the king, he had insisted on receiving no orders, but from his majesty himself, though the command of the army had been devolved upon the Earl of Lindsay, and thus the commander in chief had no controul over the best part of the troops, while jealousies and heart burnings were immediately engendered. In this way Rupert was left to his own rashness; and instead of wheeling about upon another part of the enemy's line, while he sent a small body to prevent the horse from rallying, he needlessly pursued them

with his whole body for nearly three miles, and allowed the men to plunder, thus leaving the king's main force destitute of such a considerable portion of cavalry, and affording even the parliament's foot of that wing time to rally; which, under Hollis, they soon accomplished. In the mean time, the conflict on the king's right wing had been attended with a very different result. His horse was routed, and as Essex had thrown his greatest strength of foot into the centre, he seized the critical moment of a general attack in front, while Balfour with the cavalry opposed the royal forces in rear. Thus beset, the king's army gave way in spite of all the exertions of Lindsay, who performed the part of a good general; and Charles soon found himself in extremities. Rupert, on his return from an unnecessary pursuit, beheld every prospect of a defeat instead of a victory, and he could not again bring up his exhausted troops to the engagement. Lindsay, covered with wounds, fell into the enemy's hands, and died that evening, while many others of distinction were either slain or taken, and, had not night interposed, the whole royal army must have been routed. The battle began at two in the afternoon, and the shortness of the day at that season proved the safety of the king's army. Even his standard had been taken, and his standard-bearer slain; but by an odd adventure it was recovered. Essex, to whom it had been brought, committed it to the custody of his secretary, and two royalists, having assumed the uniform of their enemies, went to the secretary, and pre-

tending that it was unfit for a gownman to carry a standard, obtained the custody of it, with which they galloped off to their own body. One of them was knighted for his gallantry *.

On the following morning Hampden, with three or four thousand fresh troops, joined Essex, and strenuously advised to follow up the present advantage. Had his advice been taken, success, in all probability, would have been inevitable; but Essex, if he really desired to see such a termination to hostilities, was as cautious as a general, as unquestionably brave in his own person; and reposing confidence only in men accustomed to war, consulted with Colonel Dalbier and other old soldiers, who, as their routine discipline did not admit of such ardent motions, confirmed the opinion of the general to decline any further engagement †. Nay, he was satisfied to retreat towards Coventry, leaving the king in a measure master of the field; and Charles now uninterruptedly pursued his original intention of investing Banbury Castle, which surrendered without resistance, though garrisoned with 1000 men ‡. Both parties claimed the victory in the battle of Edgehill, and publicly gave thanks for it to God. There fell on both sides from 5000 to 6000 men; and it was remarked as singular, that on the same day of the month in the preceding year, the Irish rebellion broke out §.

* Rush. vol. v. p. 33, *et seq.* Clar. vol. iii. p. 43, *et seq.* Carte's Letters, vol. i. p. 9, *et seq.* May, lib. iii. p. 15, *et seq.*

† Whitelocke, p. 64. ‡ Clar. vol. iii. p. 58, *et seq.*

§ May, lib. iii. p. 24.

Some runaways on the parliament's side, who had seen every thing through the medium of their own cowardly fears, reported a complete rout, and the intelligence spread consternation through the metropolis, while it emboldened the king's secret friends, and even effected a change upon the language of many who had been previously inclined towards the liberal side. But the truth soon relieved the fears of the well-disposed, and quieted their secret enemies, while it confirmed the wavering.

Essex marched to Coventry, leaving the king to pursue his own course towards Oxford; and, as Prince Rupert began to make incursions with his horse upon the neighbourhood of London, the parliament called up their own forces as a guard. The general was honourably received at Westminster. The parliament voted him L.5000, and complimented him upon his acceptable service in the bloody battle of Edgehill. But it was necessary to recruit his army; and, to procure men the more readily, the parliament immediately ordained that all apprentices who entered the service, should not forfeit their privileges in regard to their indentures; but that their sureties should be relieved, and the time of the young men spent in that army be counted as if they still continued in the employment of their masters. Many enlisted; and thus the army was recruited with active, intelligent, young men, full of the adventurous spirit becoming soldiers.

The king also recruited his army; but he

brought no credit to his cause by enlisting the papists of Lancashire *.

Rupert ranged over the country with his horse, which committed unheard-of insolencies. Whitelocke informs us, that his house was taken possession of by about 1000 horse, under Sir John Byron and his brother; and that these gentlemen were kind enough to order the soldiers to abstain from insolence and plunder; but that such was the state of discipline, that the loose soldiery committed every outrage. "They carried their whores with them; consumed whatever they could find of meat or liquor; lighted their pipes with the choicest manuscripts, and even the title-deeds of his estates; littered their horses with sheaves of wheat; broke down his fences; cut his beds, and let out the feathers, that they might carry off the ticking; and left no sort of linen or household-stuff. They took his horses, and, in a word, committed all the mischief and spoil that malice could provoke barbarous enemies to commit †." The imprudence of tolerating such licentiousness was only equalled by the wickedness. It corrupted the army, and further alienated the people.

Attack on Brentford, 12th Nov. 1642.

It was the purpose of Charles to march to London; and as he approached, he proclaimed a pardon upon submission. The parliament, anxious still to rescue the country from the horrors incident to civil war, voted an address for peace, and

* Whitelocke, p. 64. Rush. vol. v. p. 49, 50.
† Whitelocke, p. 65.

desired a safe conduct for the Earls of Northumberland and Pembroke, Lord Wenman, Mr. Pierepoint, (son of the Earl of Kingston,) Sir John Evelyn, and Sir John Hippesley. But the king refused to grant a safe pass to Evelyn, on the ground of his having been already proclaimed a traitor; and the two houses were so inflamed that they voted this to be a refusal of the treaty; yet the more moderate ultimately succeeded in having the vote rescinded, and a commission granted exclusive of that gentleman. They petitioned the monarch to take up his residence in London till the terms were adjusted; and he appointed Windsor; but as all thoughts of a treaty were precluded by the promise to the queen, and his own headstrong preconcerted resolutions, he only listened to accommodation that he might destroy his parliament in the moment of false security. The two houses no sooner proposed a treaty, than they issued out orders to their troops for a cessation of hostilities, and now dispatched a messenger to determine upon a regular truce. But Charles who, though the messenger for the treaty had not arrived, was aware of the pacific disposition of his adversaries, and had learned that their artillery was at Brentford without a sufficient guard, while the troops, confident of a mutual cessation, were quite unprepared, conceived that he had now a grand chance of making himself master of their artillery, and marching directly to the city. A thick fog favoured the enterprise. The royal army marched unseen, and reached Brentford before

their approach was suspected. To deceive the parliament, he sent a messenger, a very little before him, to Westminster, to inform both houses, that having understood Essex had drawn out his troops, he had deemed it necessary to advance to Brentford. Luckily for the parliament there were stationed there two regiments of foot, the one commanded by Hampden, the other, (which was first attacked,) by Hollis, and a small one of horse. The foot, though so few in number, effectually opposed the march of the king's forces during the greater part of the afternoon, and saved the artillery. The noise of the firing spread the alarm, and other troops, which, most fortunately, were at the very time mustered in Chelsea fields, were brought to their assistance. Before their arrival, however, the small party were quite encompassed by the enemy; and when they understood that their services were no longer required to save the artillery, the city, and indeed the cause, they threw themselves into the river in hopes of reaching the opposite bank; but this proved fatal to many; and a considerable number were rescued from the water as the captives of their adversaries. In the mean time the king's soldiers committed the greatest rapine and violence upon the town.

Next morning the trained-bands were called out of the city, and by the activity of Pennington, the Lord Mayor, and the officers of the militia, were brought into the field in spite of opposition. These troops marched with alacrity under Skippon,—the only old soldier who maintained his

character during the war. His rhetoric on the occasion, though homely, is said to have been persuasive with the men:—"Come, my boys, my brave boys, let us pray heartily and fight heartily; I will run the same fortunes and hazards with you: Remember the cause is for God, and for the defence of yourselves, your wives, and children:—Come, my honest, brave boys, pray heartily, and fight heartily, and God will bless us."

About 3000 of the parliament's army were quartered at Kingston, and Essex was advised by the new adventurous officers to order them to Hounslow, that they might take the king in rear, while he advanced with the main body in front; and had the plan been adopted, it would most likely have been crowned with success. But Dalbier, Sir John Merick, and other old soldiers, recommended an opposite course,—that of marching them round by London bridge to join the main body; and as their advice was followed, the troops were exhausted with fatigue when they should have been ready for action.

The whole parliamentary army was drawn out on Turnham-green, about a mile from Brentford, and consisted of 24,000 men, as stout, gallant, well-habited, and armed, says Whitelocke, as ever were to be seen in any army, and apparently in the highest spirits for battle. It was now resolved on to divide the army, and send one detachment by Acton Hill to attack the king's forces in rear, while Essex with the main body assailed them in front;

and Hampden, ever ready for a hazardous enterprise, was one of those appointed to march by Acton Hill; but the detachment, after it had proceeded about a mile, and the scheme was ripe for execution, received a countermand. A consultation was then held whether the army should advance, and most of the parliament men and gentlemen, who were officers, were decidedly for immediate action; but the old soldiers of fortune opposed it, and Essex embraced their opinion, by which Charles was allowed to draw off even his baggage and ordnance. When the troops had been regaled with good cheer from the city, another consultation was held as to the propriety of pursuing the enemy, and again the advice of the old soldiers prevailed against the general opinion, which was strenuously urged. The reasons assigned by the old soldiers were such as might have been expected from their habits: That it was hazardous to pursue the enemy, and that the army had already reaped honour enough in having frustrated the royal project, and obliged the king to retreat. It was afterwards confessed by some of the royalist party, that as their bullets were nearly exhausted,—the real cause of the retreat,—they could not have maintained the contest for a quarter of an hour. Charles returned to Oxford, where he was assured of the support of the university, though the townsmen were less friendly inclined *.

* Whitelocke, p. 65, 66. Rush. vol. v. p. 56, *et seq.* Clar. vol. iii. p. 70, *et seq.* MS3. Brit. Mus. Ayscough, 4162. Let. to Lord Fairfax from the Committee of Safety, 15th Nov.

The proceeding at Brentford excited the utmost abhorrence in the metropolis. It was declaimed against as full of perfidy during a treaty, and the inhabitants trembled at the recollection of the danger they had escaped, as they understood that the city would have been given up to plunder; an idea confirmed by what occurred at Brentford, and which is faintly denied by Clarendon, who admits that it would have been impossible to restrain the troops. Charles made a twofold defence of himself; 1st, That there was no actual cessation of hostilities; 2dly, That he did not mean to enter the city. As these grounds are irreconcileable, he ought to have confined himself to the first, though it would have proceeded with a better grace from a general engaged in hostilities between contending nations, than from a king who had drawn the sword against his own people, to whom, as a father, he professed a desire of reconcilement; and it should not be forgotten, that he had virtually acknowledged the understanding as to a cessation by the perfidious message which he sent to the parliament apologizing for his advance. But the second ground, which destroys the first, though accompanied with appeals to heaven for his sincerity, was calculated to sink his own character, not to gain belief. His grand object had always been, (if we can excuse his recourse to arms at all, we must allow that it was a wise one,) to obtain possession of the capital; and if there were no understanding of a cessation, it is impossible to

conceive a motive for his stopping short almost at the gates *.

The hope of accommodation now was more remote than ever. Twice, even after Essex had been furnished with full instructions, had the royal army been in the power of the parliament's; but the opportunities had been lost; and, as the contributions which had been calculated as sufficient to bring the war to a conclusion, were expended, it became necessary to raise money by general assessments. These were accordingly imposed by ordinance, and, as was to have been anticipated, the proceeding, which threatened the ruin of the opposite party, was denounced with every odious epithet as downright plunder. The royalist, or, as it was denominated by the parliament, the malignant, party too, hoped to have been liberated from contribution. New taxes upon a people that had already borne so much, were not expected to be popular, and the king supposed that they would alienate the public affections from his adversaries; but, to his disappointment, the city, the grand source of wealth, continued staunch to the parliament, and declared against a treaty, while the people in general deeply resented the irregularities and rapines of his troops. Another ordinance was passed for fitting out ships to intercept foreign supplies to the king †. In the upper house,

* See Clar. vol. iii. p. 70, *et seq.*; and Husb. Coll.
† Rush. vol. v. p. 84, 85.

subscriptions were entered into for supporting the army, and the example was recommended to the commons *.

At every step the two houses proposed accommodation; and another petition was now presented to the king, praying him to desert his army and to return to them; but the proposal was rejected with disdain. Charles had indeed cause to be more elated than ever. He expected officers, ammunition, and money from Holland, and the assistance of troops and money from Denmark. Letters to this effect were intercepted, and, in the face of those numerous appeals to heaven with which the truth was denied, confirmed the parliament's information on that subject †. In the north, the Earl of Newcastle had raised considerable forces for the king, having for their support levied contributions at pleasure; and had likewise associated the counties of Cumberland, Northumberland, and Durham for the royal cause. Ferdinando, Lord Fairfax, whose estate lay in Yorkshire, (he had been created a peer of Scotland,) and who had great influence in the north, was appointed by Essex general of that district, but he with difficulty kept his ground against the earl. Goring having landed with the queen's standard, and a great number of officers, together with a large stock of ammunition, had joined the Earl of Newcastle, who

* Cobbett's Parl. Hist. vol. iii. p. 14. *et seq.* Rush. vol. v. p. 71. *et seq.* Clar. vol. iii. p. 30, 78, 98, *et seq.*

† Rush. vol. v. p. 65—69.

carried the town of which he bore the title, while the king looked for the most overwhelming aid from both Ireland and Scotland *.

In the mean time the opposite party was not idle. Norfolk, Suffolk, Essex, Hartford, Cambridge, and Ely, were associated for the parliament, by Lord Grey of Wark, Derby and other counties by Lord Say; and the plan once fairly begun on both sides went on rapidly. Wherever the property of the counties chiefly belonged to a few of the great aristocracy, who joined the king, the royalists were successful. In most, where the land was more divided, the parliament interest prevailed; and in the towns it experienced small opposition. It is remarkable that it was chiefly in the north and in Wales that the royalist associations were formed, and that in these quarters the Catholic religion was prevalent. In military operations too the parliament had considerable success; Winchester and Chester were carried by its army; and 600 of the king's troops were routed at Malton in the north. Sir Thomas Fairfax too, the son of Lord Fairfax, began to shew his talents for war, and commenced his brilliant career. Leeds was carried by him, when 500 prisoners fell into his hands; Wakefield and Doncaster also surrendered to him †.

Still there was an ardent desire for peace. The city petitioned his majesty on the subject, professing their loyalty and their grief for his distrust

* Whitelocke, p. 66. Clar. vol. ii. p. 718. iii. p. 141.
† Ibid. p. 66. Rush. vol. v. p. 66, *et seq.* May, lib. ii. c. 6.

of them. The answer had a very opposite effect from what was anticipated. He told them that he entertained a good opinion of many of them, and attributed their misconduct to a few desperate characters who, though without title to respect either from wealth or virtue, yet to the disgrace of the city, governed against the will of the majority; and that he could willingly grant a pardon to all except Pennington, the pretended Lord Mayor, Venn, Foulke, and Manwaring. He concluded with a threat against all who continued to assist his adversaries, either by paying taxes or otherwise. When this answer was returned, a committee of parliament attended the common-council, and Pym harangued that body on the monstrous sacrifice—of their chief magistrate and other respectable citizens—which was demanded of them; declaring in the name of the parliament a readiness to live and die with the city. The address was received with unmingled acclamations of applause *.

About this time, Charles tried to reduce the kingdom by another device. He ordered the courts of justice to be adjourned from Westminster to Oxford, by which he hoped to place the general property at his discretion, as his judges could there, by the influence of himself and his army, have arraigned and condemned, or outlawed whom he pleased: But the attempt was resolutely opposed †.

* Rush. vol. v. p. 110. *et seq.* Whitelocke, p. 66. Clar. vol. ii. p. 180. *et seq.*

† Old Parl. Hist. vol. xii. p. 141, *et seq.* Cobt's. vol. iii. p. 65-6.

Negociation at Oxford.

In spite of former miscarriages, the two houses made another and a great effort for reconcilement; and a safe conduct was, on the 28th of January, granted by the king for the Earls of Northumberland, Pembroke, Salisbury, and Holland, and Lords Winman, and Dungarvon; Sir John Holland, Sir William Litton, Pierpoint, Whitelocke, Edmund Waller the poet, and Winwood. On their arrival at Oxford, Waller was treated with extraordinary respect, Charles having told him that, though last, he was not least in his favour. But the cause of this was soon afterwards discovered. Waller was at the time engaged in a conspiracy to betray the city.* The propositions from the two houses were, that the king should disband his army, return to his parliament, leave delinquents to trial, and allow papists to be disarmed; pass a bill for the abolition of episcopacy, with other bills for the reformation of religion, &c.; remove malignant counsellors; settle the militia according to the former desire of the parliament; and fill up the offices with the individuals whom they had recommended; pass a bill to clear Lord Kimbolton and the five members of the commons; enter into an alliance with the palatinate; grant a general pardon, with the exception of the Earl of Newcastle, Lord Digby, and some others; and restore to their offices members of parliament who had been displaced, as well as indemnify their losses. The king, on the other hand, proposed

* Whitelocke, p. 67.

that his revenue, magazine, towns, ships, and forts, should be restored; whatever had been done contrary to his right, recalled, and the illegal powers arrogated by the parliament disclaimed; that, though he would readily execute all laws concerning popery, a bill should be passed for preserving the book of common prayer against sectaries: That all persons excepted out of the general pardon should be tried by their peers; and that, in the mean time, as was prayed for by the parliament, there should be a cessation of hostilities. Such were the propositions on both sides *.

As the respective terms proposed were so discordant, it is not wonderful that nothing should have been done in the treaty for a time: in the interval, hostilities continued, and the king's affairs began to wear a promising aspect, for though a cessation was asked by the parliament, and seemingly wished by him, he slyly encouraged an address against it, lest he should be forced into what he was resolved against—peace, that imported any thing short of unconditional submission in his people †. Prince Rupert, with 4000 horse and foot, had marched by Cirencester, where the magazine of the county lay, put the Earl of Stamford's regiment, and other troops, to the sword, taking 1100 prisoners and 3000 stand of arms. The honour that would have redounded to him by this victory was

* Whitelocke, p. 67. Old Parl. Hist. vol. xii. p. 147. *et seq.* Cobbett's, vol. iii. p. 68. *et seq.*

† Clarendon reveals all this in his life, which is in this instance at direct variance with his history. Life, vol. i. p. 80—157.

lost by the cruelty with which he stained it. The prisoners were stript almost naked in that inclement season, tied together with cords, beaten, and driven along like dogs. "When they arrived at Oxford," says Whitelocke, who was present, "the king and lords looked on them, and too many smiled at their misery." One individual instance is dwelt on by that author: A genteel, handsome young man, the whiteness of whose skin is remarked by so grave a writer as Whitelocke, covered with wounds, was placed almost naked upon the bare back of a horse; but, though the blood streamed in every direction down his body, he sat erect with an undaunted mein. As he approached the king, a female exclaimed, "Ah, you traitorous rogue, you are well enough served." The young man having exerted himself to bestow the opprobrious epithet which she probably merited, instantly expired. "The beginning of such cruelty by Englishmen to their countrymen was afterwards too, too much followed *." In addition to this good fortune on the royal side, the Queen landed at Burlington Bay with many officers, as well as a great quantity of military stores, &c. and soon collected troops. To the Prince of Orange Charles had been greatly indebted for men and money, and the parliament had dispatched an ambassador to the states, to remind them of their obligations to England in their grand struggle for independence, and to protest against assistance to their monarch

* Whitelocke, p. 67.

against his people; but it was some time (and the interval was well employed on the other side) before the ambassador obtained an audience; and though he then received an assurance from the States, who proffered their mediation between the contending parties, that no further aid should be given, the promise was, through the influence of the Prince of Orange, very ill regarded *.

Policy of Charles.

We learn from Clarendon, the very apologist of Charles, that, though the monarch entered into the negociation with all the semblance of a fervent desire to put a period to the public calamities, he was firmly resolved against peace. But he promised himself many advantages from the treaty, which he flattered himself that he should find a pretext for breaking off at pleasure: it satisfied the ceaseless importunities of his followers for accommodation, and convinced the people of his fatherly wish to restore harmony, while it afforded

* Warwick, p. 237. Rush. vol. v. p. 157. *et seq.* Clar. vol. iii. p. 142-3. This noble author here tells us of the dextrous service performed by the queen, in providing "great quantities of arms and ammunition, with some considerable sums of money, and good store of officers;" yet abuses Vice-Admiral Batten, who had been stationed to intercept foreign supplies, for having treasonably fired upon the house on the quay where she lodged, immediately after she had landed, as if he could know where she lodged. He with equal rancour assails the parliament for not having disavowed the act; and he pretends that about a hundred shot were fired at the house. His statement does no credit to his candour. Batten discharged his duty in firing upon the four small vessels which contained the stores, in order to destroy them, and as some of the balls fell about the house she lodged at, she was obliged to move. Had he levelled the fifth part of a hundred at the house he must have battered it down. But could this be called treason? Was she not avowedly in arms against the people and laws of England?

him an opportunity to endeavour to corrupt the parliamentary commissioners, as well as others from the metropolis, and thus inspired the hope of attaining by treason what he might never accomplish by the sword. Alarmed, as we have said, lest any suspension of hostilities should so far tend to reconcilement, that his real designs might no longer elude the vigilance of his pursuers, he secretly encouraged an address from the gentlemen of several counties against the truce which was proposed by the other side—that, by military operations, the passions of his party should be more inflamed.* The two houses, with that cautious prudence which became a great legislative assembly, had strictly limited the powers of their commissioners by written articles, and the king, who expected to gain more upon the individuals than upon the body by which they were deputed, remarked, "that he was sorry that they had no more trust reposed to them; and that the parliament might as well have sent their demands to him by the common carrier, as by commissioners so restrained."† Yet he and his advisers, with that narrow, crooked policy, which always characterized them, imagined that, by debauching the chief commissioners, they might obtain the command of the parliament; and, if we may credit Clarendon, whose veracity, however, is not to be relied on, Northumberland, if not others,

* Clar. Life, vol. i. p. 80—156, 157. Let this be compared with what is stated in the history, and the reader will be able to form some idea of this writer's veracity.

† Id. p. 75—147.

could have been gained at no great expence. But Charles conceived himself to be in a fair way to secure the full height of his ambition—the absolute command of the persons and property of his subjects. His army had of late obtained some success, and the queen had not only brought with her farther supplies from Holland, but had augmented Newcastle's army. Many officers from the Continent accompanied her, and, as fresh Catholics were daily enlisted, a great military force, independent of that general body of the aristocracy by which he was attended, promised to be at his devotion, and enable him to shake off the controul of a class that, while it supported him, crippled all his most unconstitutional motions. Edmunds, Waller, and others had engaged in a wide-spread and artful conspiracy for betraying the city to the royal army. Montrose flattered the monarch's hopes, by mighty assurances of aid from Scotland; and, while Ormonde prepared to conclude a cessation with the Irish rebels, that the army employed against them might be transferred into the king's service in England, deputies from the insurgents appeared at Oxford, and proffered great assistance from the body they represented. In addition to all this, he expected aid from foreign states *. When, with this, we reflect that Charles was perfectly persuaded that in war he had every

* Rush. vol. v. p. 350. take this reference along with all other circumstances. With regard to the cessation, I shall give an account of it by and bye, and support it, as I conceive, by irrefragable evidence of a very different description from Mr. Hume's.

thing to gain and nothing to lose, since in the worst event he might always procure terms equal to what were now proposed, we shall not be surprised at the aversion to peace entertained by a prince so thoroughly possessed with a love of arbitrary power. But even this is not all: For he was bound by the strictest promise to the queen not only not to conclude a peace, but not even to gratify any individual with office or honours, without having first obtained her consent *. Had this promise afterwards appeared to him, as it ought to have done, rash, unreasonable, and wicked, it is very unlikely that he, who never hesitated at breaking the most solemn engagements to his people, should have allowed such a circumstance to frustrate an opportunity to promote his own interest, and restore public tranquillity. But as it corresponded with his own passions and sentiments, it was eagerly cherished as a cause for disregarding the advice of his attendants, and the admonitions of his own conscience. Clarendon alleges that if the king's request to prolong the treaty, which the parliament had limited to twenty days, had been granted, so that he could have consulted with the queen, he would have been relieved from his engagement to her, and might have consented to measures which would have probably effected an accommodation. But the queen was so far from being disposed towards peace, that she was at the moment projecting the most atrocious

* Clar. vol. i. p. 80, 156.

schemes against the British dominions. Clarendon himself informs us, that her majesty having "landed about the time the treaty began, resolved, with a good quantity of ammunition and arms, to make what haste she could to the king; having, at her first landing, expressed, by a letter to his majesty, her apprehension of an ill peace by that treaty; and declared, that she would never live in England if she might not have a guard for the security of her own person." When, too, the noble historian proceeds to state the nature of the concessions which he asserts she would have allowed, and the monarch have made, we at once perceive that they never could have accomplished the object. The grand concession was to reappoint the Earl of Northumberland to his office of high-admiral, by a commission revocable at pleasure *; and for such a favour, though he had only lost his place by adhering to the popular side, we are to presume that this nobleman must have pledged himself to bring the parliament to the royal terms—not only to renounce the militia, but to remove itself from Westminster to Oxford, where it would have been completely within the royal power. But who can doubt that if the Earl had been profligate enough to betray his principles for such a consideration, the result would just have been, that from that moment his influence in parliament would have ceased, and that affairs would have taken a still more decided turn, by the estrangement of an in-

* Clar. Life, vol. i. p. 80, 157.

dividual whose habits and station naturally induced him to desire a reconciliation between the king and his people.* What occurred when the plot to betray the city was detected, fully confirms this. Others of the commissioners besides Waller were suspected, and their conduct was very eagerly inquired into. But even the majority of the king's adherents would have abhorred such a sacrifice in the parliament; for though they now followed him, and wished him limited success, they revolted from the idea which this involved, of surrendering their whole constitutional franchises. The hope was that both parties, tired of war, would feel it to be their interest to compromise their differences in some manner not altogether incompatible with the rights of the people as well as of the crown.

Predetermined as Charles was against all accommodation, and meditating the most desperate designs, he yet conducted himself with such profound dissimulation as to deceive even Whitelocke into the belief that he desired peace himself, but unfortunately allowed himself to be overruled by people whose judgment was beneath his own. "Of this," says that author, "we had experience to our great trouble. We were often waiting on the king, and debating some points of the treaty with him till midnight, before we could come to a conclusion. Upon one of the most material points we pressed his majesty with our reasons and best ar-

* Id. p. 76. † Whitelocke, p. 70, 123.

guments we could use to grant what we desired. The king said he was fully satisfied, and promised to give us his answer in writing, according to our desire; but because it was then past midnight, and too late to put it in writing, he would have it drawn up the next morning, (when he commanded us to wait on him again,) and then he would give us his answer in writing, as it was now agreed upon. We went to our lodgings full of joyful hopes to receive this answer the next morning, and which being given would have much conduced to a happy issue and success of this treaty, and we had the king's word for it, and we waited on him the next morning at the hour appointed: but instead of that answer which we expected and were promised, the king gave us a paper quite contrary to what was concluded the night before, and very much tending to the breach of the treaty. We did humbly expostulate this with his majesty, *and pressed him upon his royal word*, and the ill consequence which we feared would follow upon this new paper. But the king told us he had altered his mind, and that this paper which he now gave us was his answer which he was now resolved to make upon our last debate. And we could obtain no other from him, which occasioned much trouble and sadness to us. Some of our friends, of whom we inquired, touching this passage, informed us that, after we were gone from the king, and that his council were also gone away, some of his bed-chamber (and they went higher) hearing from him what answer he had promised us, and doubt-

ing that it would tend to such an issue of the treaty as they did wish, they being rather for the continuance of the war, never left pressing and persuading of the king, till they prevailed with him to change his former resolutions, and to give order for his answer as it was delivered to us *." When we consider that Clarendon himself informs us that "the promise to the queen shut out all opposite consultations," we must allow that Charles had exquisite address in making it appear that he was always misled by pernicious advice when he only listened to men who recommended themselves by re-echoing his own sentiments, and advising what they clearly perceived to be perfectly agreeable to him, if not previously resolved upon.

The time limited for the treaty having expired without any prospect of accommodation, the parliament ordered their commissioners to break off the negociation, and return with an account of their proceedings †.

Both parties had looked towards Scotland at the beginning of the troubles, each expecting to gain the alliance and assistance, or at least to preserve

* Whitelocke, p. 68.

† See an account of the treaty in Rush. vol. v. p. 164. *et seq.* Whitelock, p. 67-8-9. Clar. Hist. vol. iii. p. 118. *et seq.* 167. *et seq.* Life, vol. i. p. 75. 147. *et seq.* May, lib. iii. p. 35. *et seq.*

How much Charles was previously resolved against concession appears by a letter to the Marquis Hamilton, dated the 2d of December 1642, in which he says, "I have set up my rest upon the justice of my cause, being resolved that no extremity or misfortune shall make me yield; for I will be either a glorious king or a patient martyr." Mems. of the Hamiltons, p. 203.

the neutrality of that kingdom. Charles had ineffectually attempted to gain Argyle and his party; but he had found the Hamiltons prepared to proceed to great extremities, in regard to engaging their country in his service; and in Montrose he met with the disposition which he had formerly experienced,—an aptitude for any undertaking however perfidious and bloody, or fraught with danger. Scottish commissioners from the conservators of the treaty of peace appeared at Oxford during the treaty with the parliament, and prayed, 1*st*, That the king would consent to a uniformity in religion, which they desired as much from policy as piety; for they knew that, as the late concessions to them were extorted from him, he would embrace the first opportunity to re-establish episcopacy—a fact which is admitted by his advocates—and that their only chance, therefore, of preserving what they had got, was in interesting England in its preservation; 2*d*, That he would authorise them to call a parliament. The first was indignantly rejected as an impertinent interference with the affairs of a foreign kingdom, though Charles had already solicited their assistance in the war; the last was refused on politic grounds, as he well foresaw that the two parliaments would soon come to an understanding against his arbitrary measures. The commissioners were therefore treated with contempt, and, as might have been expected from the mere retainers of a faction, so reviled by most of the royalists, that they durst scarcely walk the streets,

Scottish commissioners appear at Oxford during the treaty.

while they received hints from a friendly quarter to beware of assassination *.

In the mean time Hamilton and Montrose attend the queen, who eagerly listens to the most desperately wicked schemes. The first gave hopes of prevailing with his countrymen, in spite of the Argyle party, to declare for the king; the latter proposed a mode better adapted to the dark unprincipled impetuosity of his own character, and the ears which he addressed—to raise a party suddenly and unexpectedly in Scotland, and with it massacre the chief covenanters, when, having borne down all opposition there, they might bring the resources of that kingdom into the service of his majesty against England. Hamilton objected to this scheme for its impracticability, which he exposed on feasible grounds; but Montrose, having secured an ally who promised vast assistance from Ireland, succeeded in carrying his point; and a terrible scheme was devised. The ally alluded to was the Earl of Antrim; and the plot hatched with the queen, and fully approved of by her husband, was, that Antrim, who measured the integrity of other men by his own, should, by the highest offers, bribe Monro, the Scottish lieutenant-general in Ireland, by whom the troops were really commanded, to declare for the king, and transport his army to England, (the army had been by late arrangements augmented to 10,000,) while Antrim should raise

* Baillie's Letters, vol. , 356, *et seq.* Burnet's Mem. of the Hamiltons, p. 188. *et seq.* Clar. vol. iii. p. 62. *et seq.* 94. *et seq.* 174. *et seq.* Life, vol. i. p. 80. 148. *et seq.*

a large body of the Catholics to invade Scotland, to act in concert with Montrose; that the M'Donalds in the Isles, and the Gordons in the north, who were relied upon, should be suddenly raised, and, under Montrose, sweep down upon the covenanters before they even suspected danger, and thus having secured that kingdom, march in conjunction with the Irish to the south.

Though this terrible scheme was fully resolved upon, Charles continued to affect a desire to gain the Scots by the most magnificent promises, that each third place in the English council should be filled with a native of that kingdom, and that—an arrangement which he is alleged to have formerly proposed, while their army was in England, to engage it against the parliament—the northern counties should be ceded to Scotland. Ormonde was, at the same time, urged to conclude a cessation with the rebels, that the army under him might be transported to the other side of the water, and a fresh army be raised from the insurgents *. When we reflect on this plot, it is impossible to suppress our indignation, and deny that it infinitely exceeded the guilt which, in so far as guilt must be measured by intention, attached to Charles, for authorising the original insurrection. He had then the same, if not stronger, motives than now for resorting to extremities, because he

* Burnet's Mems. of the Hamiltons, p. 212. *et seq.* Wishart's Life of Montrose, p. 82. *et seq.* Append. p. 422. *et seq.* Baillie's Let. vol. i. p. 335. *et seq.* Append. to Carte's Ormonde, p. 1. *et seq.* Carte's Let. vol. i. p. 19. Burnet's Hist. vol. i. p. 74. Milton's Prose Works, vol. ii. p. 412.

knew that the terms which were now demanded had then been fully determined on by the parliament, while he felt himself less able than he had since become to contend with the torrent: no one could have predicted the horrid atrocities that accompanied that rebellion: and, as it could not be denied that the Catholic party had been much oppressed, we have some sympathy with the prince, who, as father of his people, listened to the prayers of six-sevenths of a nation. But, after such experience of their unexampled cruelty, to conceive the plan of introducing them into Britain, where, if successful, they must have been expected to act over again many of the dismal scenes that had been exhibited in the sister isle, bespeaks a disposition to which it is not easy to do justice. In considering a question of this nature, we are too apt to regard it as a case of war between hostile states which are not accountable to each other for the instruments they employ; but it is an unfair view of the matter, though it will be admitted, that even in such a case there are certain rules observed: By the unanimous consent of civilized nations the scalping knife is abhorred, and quarter is given. Even in this light the king's conduct is indefensible; but, when we reflect that he ought to have considered himself the father of his people, and have had no interest distinct from theirs; that he had declared in the most solemn manner, calling God Almighty to witness his veracity, that his only object was to vindicate the laws against a faction which governed affairs contrary to the will of the majority even in parliament;—that he had

with equal solemnity declared that he would never treat with the rebels, nor grant a toleration, while he was negociating all the time, and that he depended solely upon the affection of his subjects in vindicating the rights of the crown, which involved their own, and never would call in foreign force, which he conceived would be fraught with the ruin of his dominions *,—we cease to find an apology. If we only suppose that an army of native Irish had entered London, the rebellious city as it was called, and picture to ourselves all the rapines, burn-

* As Clarendon drew the papers in which the Almighty is so invoked, the following passage will afford a proof of his character. After mentioning the inclinations of foreign kingdoms, and complaining that they endeavoured, instead of assisting princes against their people, to sow dissension in foreign states, "as if the religion of princes were nothing but policy, and they considered nothing more than to make all other nations but their own miserable," he continues thus, "and because God hath reserved them to be tried only within his own jurisdiction, and before his own tribunal, that he means to try them too by other laws and rules than he hath published to the world, for his servants to walk by. Whereas they ought to consider that God hath placed them over his people as examples, and to give countenance to his laws, by their strict observation of them." This is good; but mark the sequel: "*and that as their subjects are to be defended and protected by their princes; so they themselves are to be assisted and supported by one another, the function of kings being an order by itself.*" Then they are all alike, and consequently there are no limits upon this order; or at least none of which they themselves are not the exclusive judges. "And as a contempt and breach of every law is, in the policy of state, an offence against the person of the king, because there is a kind of violation offered to his person in the transgression of that law, without which he cannot govern." Excellent logic. "*So the rebellion of subjects against their prince ought to be looked upon by all other kings, as an assault of their own sovereignty, and, in some degree, a design against monarchy itself, and consequently to be suppressed and extirpated, in whatsoever other kingdom it is with the like contempt, as if it were in their own bowels.*" Vol. iii. p. 92—4. See Rush. vol. v. p. 69.

ings, murders, endless abominations that must have ensued from such a ferocious rabble, we shall then be qualified to form some idea of the proceeding. Nor let us flatter ourselves that such brutal soldiery could have been restrained; for the outrages committed by them in Scotland, which we shall have occasion to detail, are utterly revolting to humanity.

Character of Montrose.

From the part performed by Montrose in this business, it may not be improper here to give a sketch of his character. Active, cruel, daring, and unprincipled, he seemed formed by nature for civil broils. Chagrined at real or supposed neglect from the court, he joined the covenanters with a bitterness of spirit which was mistaken for enthusiastic zeal. But vexed, on the one hand, at being eclipsed in the council by the abilities and influence of Argyle, and in the army by Leslie, and allured on the other by the prospect of high court favour, the want of which had first stung him with mortification and revenge, he eagerly listened to tempting offers, and not only engaged to renounce the principles for which he had contended, but to betray the cause, to conspire by perjury against the lives and honour of the individuals with whom he had acted in concert, and latterly, to propose cutting them off by assassination, or by suddenly raising a faction in the hour of unsuspecting security, to perpetrate an indiscriminate slaughter upon all the leading men of the party. Detected in his wickedness, and utterly cast off by the whole body as bloated with iniquity, he allowed the tu-

multuous fury of wounded pride and disappointed ambition to assume the semblance of principle, and looked towards the ruin of the political franchises and the religion of his country, which he had so sworn to maintain, as to the necessary removal of standing reproaches of his apostacy and barriers to his aggrandizement. Hence there was no scheme so desperate that he hesitated to recommend, none so wicked that he declined to execute. His eulogists have so liberally called in the aid of fiction to their narrative of his exploits, as to represent him as a prodigy of military talent; yet, when we examine his feats through the medium of truth instead of romance, we discover neither the comprehension nor the cool judgment of a great general, who takes in a wide plan of operations. But his abilities were better suited to the measures he projected than higher genius. Misled by his passions, he allowed his presumptuous hopes to direct his understanding, and embarked in undertakings which a calculating head would have rejected; but addressing himself to the wild barbarians of the hills, whose object was plunder, he roused them by intrepidity and decision, and thus seemed, on the sudden, to wield resources of which nobody anticipated his command. As, however, his troops were adapted to him, so was he to them; and, though both were terrible in desultory warfare, neither could act in a higher sphere. His firm adherence to the royal cause after the detection of his conspiracies against the state, has already been accounted for without re-

dounding to his credit: an individual of intolerable pride and ambition, whose treachery has reduced him to the humiliating condition of an outcast from one party, has no alternative but to cling to another, which he has perfidiously attempted to serve; and the fortunes, the all, of Montrose, latterly depended upon the success of the royal side. It has been justly remarked, however, as a favourable trait in his character, that though he could not bear an equal, and was always ready to destroy an adversary, whether by heroism in the field or by the cowardly mode of assassination, he was still generous to those who testified their sense of his superiority.

We shall, in their place, relate the events which arose out of the detestable projects devised by him; and, in the mean time, resume our narrative.

The queen having erected her standard, (on which, and other grounds,—as having caused disturbances in Scotland, incited the Irish rebellion, pawned the crown jewels, &c. she was impeached by the parliament of high treason*,) gave great supplies to the Earl of Newcastle, with whom she acted in concert, though, as she preferred her own favourites, jealousy soon sprang up between them †. The king had solemnly denied that he retained Catholics in his army, and absurdly retorted the charge upon the adverse party; but, as great part of the Earl's troops were of the Romish persuasion, it was vain for that nobleman to persist in

* May, lib. iii. p. 53. † Carte's Letters, vol. i. p. 20.

denying the fact, and while he owned that part of them were papists, he defended the measure by the practice of princes in general, who are indifferent to the religion of their soldiers, and followed the example of his master in charging the parliament with being equally unscrupulous. The junction of the queen and the earl was attended with great effects; but their success was rather apparent than real. Not only were the counties of Northumberland, Cumberland, and Durham, with the town of Newcastle, brought under subjection, but even the northern parts of Yorkshire; and, in spite of the vigorous exertions of Lord Fairfax, and his heroic son Sir Thomas, and of Hull's being in the power of the parliament, the queen and Newcastle still extended their conquests. Fairfax had been too much neglected by the two houses, and he was at one time obliged to intimate to them that, unless he received supplies, he would be obliged to renounce the contest; but he was no stranger to the internal causes of decay which operated on the other side, and the inherent vigour of his own party. Newcastle had pressed a portion of his soldiers, and levied contributions at pleasure, and even allowed his men to pillage the country. Hence, as well as on principle, the inhabitants were everywhere hostile to him, and, in April, when he desired a mutual cessation, not only the troops of Fairfax declared their aversion to it, but the country population in general, unless they were indemnified of the losses they had sustained through the

lawless proceedings of his army *. With the country against him, Newcastle could not long maintain his power, since, though the people might for a season be kept down by force, they would naturally avail themselves of any reverse in their oppressor to rise against him. But, in the mean time, he was terrible in that quarter; and afterwards became still more so. What contributed to the temporary misfortunes of Fairfax was, that Newcastle, who had great influence in Nottinghamshire, succeeded, by garrisoning Newark, in cutting off his supplies from the parliamentary party in Lincolnshire. A detachment of Newcastle's army, under Mr. Cavendish, had even taken Grantham, with three hundred prisoners, and all their arms and ammunition. Scarborough Castle too, was delivered up to the queen, and, though it was recovered in the same week, it was again treacherously surrendered. Such, in the early part of the year, was the posture of affairs in the North †.

The West had at first been entirely under the authority of the parliament; but matters had since begun to take a different turn. The Earl of Bedford, at the head of some parliamentary forces, had

* MSS. Brit. Mus. Ayscough, 4162. Extracts from the Register Book of Letters of Ferd. Lord Fairfax. May. Rush. vol. v. p. 131. *et seq.* 268, *et seq.* See there also an account of the queen's haughty reception of Sir William Fairfax, who was sent to her by Lord Fairfax, with the view of inducing her to interpose her influence towards an accommodation.

† Rush. vol. v. p. 66. 261, 265—268, *et seq.* 274. Clar. vol. iii. p. 187. *et seq.* 143-4.

obliged the Marquis of Hertford, who headed the opposite party, to retreat into Wales, and Sir Ralph Hopton, Sir John Berkeley, Ashburnham, and others, to retire into Cornwall. But the ease with which he effected this, produced a contempt of the enemy, which led to memorable consequences. Instead of following up his success, the marquis left the restoration of tranquillity to the commissioners from the parliament, aided by the militia of Devonshire; and as the parliament despised the opposite party in that quarter, as much as the earl did, both the marquis and the rest were thus allowed leisure to recruit their forces and project new measures. The commissioners conceived the plan of proceeding in Cornwall by a legal course against the royalists, for having come armed into that county, and a presentment against them was prepared; but the best quality of that shire, (the same spirit does not appear to have extended to the lower classes,) having been devoted to the crown and high church principles, the bill was thrown out by the grand jury: and matters did not end even there; for a commission from the king to the Marquis of Hertford, as general of that district, and another from that nobleman to Sir R. Falkland having been exhibited, the grand jury expressed their sense of his majesty's care of them, and their determination to support him. Feeling their strength, they followed the example which had been set them of legal measures, and indicted Sir Alexander Carew, Sir Richard Buller, and the other parliamentary commissioners, for a riot and unlawful assembly at Launceston, and also for riots

and misdemeanors against many of the king's subjects, and the sheriff being a keen royalist, immediately raised the *posse commitatus*. In this way a militia of 3000 well armed men was drawn out, which drove the few parliamentary forces from the county. Hopton wished to carry this army beyond the shire; but the soldiers refused to follow him, as an act not required of them by the law, unless in the case of foreign invasion. Disappointed thus, Sir Bevil Grenville, whom Clarendon calls the most beloved in that county, Sir Nicholas Stanning, Mr. John Arundel, and Mr. John Trevannion, immediately formed the resolution to raise regiments of volunteers; and, as young gentlemen of the shire flocked to their standard, and gladly accepted of subaltern commands, 1500 men were soon ready for the field. The parliament, now sensible of its error, and of the necessity of suppressing this new army, ordered its forces from Dorset, Somerset, and Devon—which were all under its authority—to march under the Earl of Stamford against the royalists. But mismanagement defeated the object. Ruthven, a Scotsman, commanded one detachment of Stamford's army, which preceded the main body by three days' march, and desirous of signalizing himself by the conquest of the Cornish before the Earl's arrival, passed the Tamar, six miles above Saltash, in order to hazard a general battle with his detachment. His army exceeded in number that of the volunteers, but they having been joined by the trained-bands, became superior; and Hopton, upon whom the command of the Cornish was devolved, had too much discernment not to per-

ceive the propriety of striking a blow before Stamford came up. The two armies met on Bradick Down, and the parliamentary troops were totally routed. Ruthven fled to Saltash, from which he was soon driven; and escaped himself with difficulty to Plymouth, with the loss of his ordnance, colours, &c. A vessel, with stores from the parliament, also fell into the enemy's hands. A cessation was then concluded between the parties in that quarter; but it was broken in the spring, when matters took a still more decided turn for the king *.

Lancashire, Chesshire, and Shropshire, were supposed by Charles to be firmly devoted to him; but the parliament party, under Sir William Brereton, whose activity was indefatigable, soon became superior. Chester, indeed, through the interest of the bishop, continued stedfast to the king; but Nantwich was fortified, while Manchester, like all the great manufacturing and trading towns, was devoted to the parliament †. The state of those counties exhibits a striking picture of the feelings of the times. The Earl of Derby, a royalist, was the individual of chief note in the district, and, from the general respect which had been hitherto paid to his rank, he did not anticipate the

* Clar. vol. iii. p. 128, *et seq.* Rush. vol. v. p. 267.

† "The town of Manchester," says Clarendon, "from the beginning (out of that factious humour which possessed most corporations, and the pride of wrath) opposed the king, and declared magisterially for the parliament!" Vol. iii. p. 146. See p. 233, for an account of Birmeham, or Birmingham. "Manchester," writes Mr. Trevor to Ormonde, in a fury, "is the very London of those parts," &c. Carte's Let. vol. i. p. 16.

slightest opposition. But nothing is more fallacious than the usual outward deference shewn to rank. In the ordinary current of affairs, rank procures what it seems to desire, but in revolutionary times, though it still has influence, it becomes palsied, unless accompanied with talent as well as virtue. Men who never attempted to struggle with the influence of family, but had lived in retirement, and been despised by the aristocracy as beings of no consideration, then start into importance, and wither all the feeble energies of factitious concomitants, unsupported with virtue and abilities. Such was the case in this instance: new men at once appeared formidable, and Derby's power sank. The papists too, who, when secretly encouraged by the court, had, by their insurrections, alarmed the kingdom, were suppressed by the popular party; and individuals, whose habits seemed foreign to a military life, almost immediately shewed a capacity for war, which the oldest soldiers could not contemn. Their very enemies pay a tribute of justice to their sobriety and industry, virtues which they confess did not belong to their own side. But, in the struggle, the popular party had one great advantage: supplied with money and arms, provided to them by the parliament, they had no occasion to oppress the inhabitants, while their adversaries were armed, fed, and clothed, at the expense of the country, "which quickly inclined it," says Clarendon, "to remember the burthen and forget the quarrel." But the following sentence from that author is so characteristic of the times, that we should do injustice to the

reader by omitting it: "The difference in the temper of the common people of both sides was so great, that they who inclined to the parliament left nothing unperformed that might advance the cause; and were incredibly vigilant and industrious to cross and hinder whatsoever might promote the king's; whereas, they who wished well to him, thought they had performed their duty in doing so; and that they had done enough in that they had done nothing against him *." The king had still to contend with another disadvantage: as he depended on the leading aristocracy, he durst not displace them, however unequal to the office to which they had been assigned. This was exemplified in the present instance; for Charles, while he was no stranger either to the inactivity, or want of talent in Derby, was yet obliged to employ him. The influence of some families in Wales inclined that country towards the king, and North Wales, with the city of Chester, kept the parliament party in considerable play †.

The midland counties, betwixt Oxford and York, were chiefly under the parliament. Northamptonshire, Derbyshire, Staffordshire, and Leicestershire, were associated for it under Lord Grey, though commanded by Lord Brooke. Banbury, which was in the possession of the royal troops, kept part of Northamptonshire in check; but as they were obliged to subsist by contributions upon the adjacent country, there was no great probability of their ex-

* Clar. vol. iii. p. 147.

† Id. p. 144, *et seq.* Carte's Let. vol. i. p. 15. May, Lib. ii. c. 6. Lib. iii. c. 4.

tending their influence. In Leicestershire, too, there was a considerable party raised for the king, through the activity of Colonel Hastings, a son of the Earl of Huntingdon; but the greater portion of the inhabitants inclined strongly to the parliament, and its authority was triumphant in the other counties *. But the nobleman whose exertions had been so beneficial to the cause, was destined to fall early in the quarrel. A premature attempt having been made by the royal party against Litchfield, he came to suppress it, and as he surveyed the operations from the window of the cathedral which he had garrisoned, was killed by a musket-shot in the eye. Loud were the indecent rejoicings of the royalists on the occasion; and the high clergy, calling to mind that he had said,—which was probably an invention of their own, for such pious frauds were frequent,—he hoped to see all the cathedrals in England pulled down, declared his fate a judgment inflicted upon him by St. Chad, who founded the edifice, and whose day they reported it to have been. Nay, he was said to have prayed that morning, that if the cause he were in were not right and just, he might be presently cut off †. We shall not pretend to deter-

* Clar. vol. ii. p. 147, 148. Rush. vol. v. p. 169.

† Clar. vol. iii. p. 149. The noble historian tells all this with the utmost gravity, though he reluctantly does justice to the integrity of Lord Brooke. This very author takes great credit to himself for having fabricated and published a most violent speech against peace in that Lord's name, with such a similitude of style, that it was taken for Brooke's own composition. He at the same time boasts of having been equally dextrous in fabricating one for peace in Lord Pembroke's name. Life, vol. i. p. 136. 169. Laud's Diary, Troubles, p. 201.

mine how far these several circumstances concurred to complete the suggestion of a miracle, though there is a strong presumption against the coincidence; but we may well remark, what assuredly few will deny, that a party, so contemptibly superstitious, was not entitled to charge the opposite side with bigotry; and that the religious spirit which rose against this superstition, was necessary to rescue the nation from the most deplorable intellectual bondage. Lord Brook was remarkably pious; but an enemy to prelacy, though an ardent friend to religious as well as civil liberty. His talents and learning were considerable, and his industry great. With regard to the saint, his power terminated with the execution of vengeance against his particular enemy; for the parliamentary forces, headed by Sir John Gell, completed the victory which Lord Brook had begun *.

In the eastern counties, as Norfolk, Suffolk, Essex, &c. which were all associated for the parliament, the individual who really constituted the life of the association was Oliver Cromwell; and he very early gave signal proofs of those talents which afterwards raised him so high †. In some of the southern shires a party manifested itself for the king; but the rapid marches of Sir William Waller, who had been appointed to the command of a detachment of the army, soon over-

* May, Lib. iii. c. 5. Clar. hist. ib. Rush. vol. v. p. 147. Whitelocke, p. 69.

† Rush. vol. v. p. 67. May, lib. ii. p. 108; iii. p. 58. 92. Clar. vol. iii. p. 83, 126.

powered it. He surprised Winchester on the 18th of December, where he took 800 prisoners, and Chichester on the 2d of January, when, rapidly passing through Wiltshire, capturing Malmsbury by the way, he advanced to the relief of Gloucester, which was at that time besieged by the Lord Herbert, afterwards Earl of Glamorgan. This nobleman, and his father the Marquis of Worcester, were rigid Catholics; and, as they had great influence in South Wales, where the Romish party preponderated, they obtained a joint commission from the king to assume the government of that district, in which their authority appears to have been undisputed except in Pembrokeshire. The son embarked in the royal cause without scruple. The father, in spite of his religion, regarded with no favourable feelings the late inroads upon the rights of the community, and was with difficulty prevailed on, by the intercessions of his own son, to join the king, without some security for the privileges of the people. But having once embarked in the cause, he soon perceived that his all depended on its success; for the activity of his son, with the avowal of principles incompatible with the constitution, naturally brought the father under the imputation of the same design,—an imputation which his religion confirmed; and the rigour of the parliament being proportionate, he, in a personal view, saw himself bereft of all hope but in carrying matters to extremities, which his understanding and sentiments equally condemned*. The taking of Cirencester by Ru-

* Clar. State Papers, vol. ii. p. 144, 6, 7.

pert, had considerably extended the territory under the authority of the royalist party, and had Gloucester also fallen, a communication would have been opened with Wales of vast importance to the king. To prevent this was the object of Waller's march; and as the inhabitants of the vicinity, as well as townsmen, were all heartily inclined towards the parliament, they furnished him with flat-bottomed boats with which to pass the Severn. Having secretly formed his arrangements, therefore, he deceives the enemy by a feint upon Cirencester, then suddenly passing the river, attacks Herbert's forces in rear, while the townsmen sallied upon them in front. The besiegers were in this way completely routed; five hundred Welsh were put to the sword, a thousand taken prisoners, with the arms and ammunition, and the remainder dispersed. Herbert himself with difficulty escaped to Oxford. After this Waller took Tewksbury, then Chepstow, where he seized upon a ship of great value belonging to the enemy. He next marched to Monmouth, which surrendered upon terms. The terms were, that the arms and ammunition should be delivered up, but that quarter should be given the soldiers, plunder prohibited, and the ladies civilly treated. Hereford also yielded to him. Many gentlemen of distinction were taken prisoners*. Leaving Waller for the present

* Clar. vol. iii. p. 153, *et seq.* Rush. vol. iii. p. 263. May, lib. iii, p. 71, *et seq.*

we shall return to Essex, who might, by one blow, have terminated the war.

Immediately after the breach of the treaty at Oxford, parliament determined to send Essex into the field with a fine army, which it was expected would speedily end the war. He set out on the 15th of April with 15,000 foot and 3000 horse, fully equipped for any service; and, had the advice of the committee of war, and particularly of Hampden, who attended with his own regiment, and had given proof of such vigour and military skill as to be deemed little inferior to the general himself, been followed, the war would by one bold stroke have been brought to a period. The advice was to march directly to Oxford, the seat of the court, and thus by a vigorous attack upon the heart of the cause, effect what could not be accomplished by wasting time and strength upon the distant members. It is confessed by Clarendon himself that the plan must have proved successful. For the town was poorly fortified, and the royal army inferior, while the nobility, as well as the ladies about the court, were so easily alarmed, that every attempt at resistance would have been crippled. What motives induced Essex to pursue a different course it is not easy to determine; but suspicions have been entertained that, afraid of being overtopped by the popular party, he was disinclined towards such decisive measures, hoping that, after the war had been a little longer protracted, an accommodation might be entered into on terms more favourable to the king, and that he should be able to secure to himself the

highest marks of the royal favour*. The old soldiers supported him in all his movements. Essex determined to take Reading; but, instead of attempting it by storm, according to the urgent recommendation of the committee of war, that he might then march directly to Oxford, which was, doubtless, the wise plan, he resolved upon a siege†. To raw levies, at such a season of the year nothing could be more destructive; and though all requisite supplies were sent from the metropolis, diseases were engendered which wasted away their numbers, or unfitted a great part for service. The town held out for ten days, and then surrendered upon terms, which were violated by the common soldiery in spite of all efforts to restrain them. The garrison, according to the articles, were to march out without their arms, with their sick and wounded, and the officers were to retain their swords. The soldiers on the opposite side seized the hats and swords of some officers, when Essex, to restrain them, slashed several with his own hand. In their justification, the troops alleged that their conduct was the proper return of an infringement of articles by the besieged, who, under the pretence of carrying off the sick in waggons, had concealed four hundred stand of arms, which the victors seized. But many of the soldiers had enlisted from a

Siege and capture of Reading.

* Clarendon pays a compliment to Essex for retaining a small share of loyalty, which prevented him from attacking a place where the king himself was stationed. Vol. iii. p. 238.

† Ibid.

hope of plunder, and as they expected that the town would be taken by assault, and left open to their rapacity, they could scarcely be managed after the disappointment *.

Charles had projected the relief of this town; and as the disappointment was great in the surrender, the officer who signed the articles was deeply reproached, and afterwards tried by court-martial, when he made a narrow escape with his life, and forfeited for ever the court favour: But various opinions were entertained regarding his conduct, many conceiving that he had discharged his duty faithfully—which appears to have been the fact; and the incident is chiefly remarkable for the factions which it occasioned in the court and army †.

Had Essex, even after the surrender of Reading, marched to Oxford, though the garrison of the latter was reinforced with 4000 men from the former, that town must have surrendered, and the war have been decided before his troops had begun to sink under the diseases contracted in the siege. From the terror inspired by the surrender of Reading, and the high spirits of the victorious army, Charles would not have hazarded the issue. His chief officers, who never doubted that Essex would march directly thither, advised his majesty to retreat northward, to join the Earl of Newcastle

* Rush. vol. v. p. 265, *et seq.* Whitelocke, p. 69.

† Clar. vol. iii. p. 238, *et seq.* This author inclines to think that he not only discharged his duty faithfully, but even with spirit and judgment.

and the Queen; and, says Clarendon, "if the Earl of Essex had, at that time, made any shew of moving with his whole body that way, I do verily persuade myself Oxford itself, and all the other garrisons of those parts, had been quitted to him." A retreat northwards, however, would to all appearance have been impracticable: It would have lain through a hostile country, and, in particular, Charles would have had to cut his way through the counties associated for the parliament, which were so garrisoned that scarcely a messenger could pass between the king and his northern army, and, above all, through the parliamentary forces commanded by Fairfax and Cromwell*. The probability therefore is, that the royal army must have yielded at discretion. But the parliamentary general did nothing; his army mouldered away, while Charles only lost a town of no importance to him, for his troops were preserved †.

The citizens of London triumphed loudly on the fall of Reading, conceiving that the contest hastened to a close; but, though their hopes were justified by reasonable probability, they quickly discovered their error, and the city itself had nearly fallen by treachery. We have already said, that a conspiracy for betraying it had been formed by Edmund Waller the poet, (Sir William Davenant, Conspiracy to betray London.

* For an account of Cromwell's actions at this period, see May, lib. iii. p. 79.

† Clar. vol. iii. p. 242.

another poet, had been deeply engaged in the army-plots,) and several others; but some months elapsed before the plot was ripe for execution, and then it was detected by the servant of one of the conspirators to Pym, whose activity and vigilance defeated the project, and established the guilt of the traitors. They had taken a survey of the town, in order to ascertain the strength of the party which they could expect to support them; and had, for the completion of their schemes, obtained a commission from the king, while they sent him daily information of whatever passed either in the parliament or city. To promote the project, Charles proposed to renew his negociations; and alluded to the distracted state of Ireland, and the necessity of relieving it, as one motive for his anxiety to reconcile all differences; though his own letters prior to this, to conclude a cessation with the rebels, are extant, and the preconceived intention to introduce that ferocious body into Britain, is established beyond controversy. But the parliament having discovered the design, threatened to execute as a spy the messenger who appeared without a pass, and thus frustrated the royal object, while it devised a covenant to be taken by its own members as well as others, to defend the commonwealth against the army of papists and malignants. The plot having failed, therefore, strengthened the party against whom it was levelled. Chaloner and Hopkins, two of the conspirators, were hanged; but the abject-

ness of Waller saved his life *. Just before the discovery of the plot, Charles published a proclamation, in which the distractions of the times were imputed to a few Brownists and Anabaptists; a general pardon offered on submission, with the exception of certain individuals, including Hampden and Pym; and the parliament declared to be no legislative assembly. Rents were also prohibited, by another proclamation, to be paid to the parliamentary party, as to men in rebellion; and trade was interdicted with London. Afterwards the members of both houses were summoned as to a parliament at Oxford, Charles, conceiving that it was the name of a parliament which gave the assembly at Westminster its authority, and that, as he could give the appellation to his own creatures who followed him, he might, by such an engine, raise himself to unlimited power †. But the whole design failed; and so little was Charles calculated for a free government, that he was happy to be relieved of this mock assembly, which himself denominated in his letters to the queen the Mungrel Parliament,—because it manifested a feeble spirit against some of the pernicious designs of the court.

* Whitelocke, p. 67, 70, 105. May, lib. iii. p. 42, *et seq.* Rush. vol. v. p. 322, *et seq.* Clarendon, according to the uniform practice of a faction whose conspiracies have failed and recoiled upon themselves, wishes to make it appear that there was no plot: (this is the way in which such factions vent their spleen at disappointment;) and that it was cruelty in the parliament to inflict the punishment. Vol. iii. p. 245, 257, *et seq.* 330.

† Rush. vol. v. p. 331, 343, 364, 365.

Though Essex chose to waste his precious time in inactivity, his opponents were not idle. Small parties made incursions to the metropolis during the night, and carried off the citizens, for whose liberty they exacted high ransom. It was, therefore, deemed advisable to carry a ditch round both London and Westminster. Essex at last made a feint to proceed to Oxford, and fixed his head-quarters at Thame in Buckinghamshire, in order to protect that county; but so defective was his generalship, that though the enemy was near, he kept no sufficient scouts, while he allowed the men to live dispersed in several quarters. The consequences were deplorable, as they occasioned the death of Hampden. One Colonel Hurry, a Scotsman in his army, conceiving that he might more easily make his fortune by betraying his party than by promoting its interest, went over to Prince Rupert, and shewed how, by an attack upon the scattered troops, much execution might be done. Celerity was the distinguishing characteristic of Rupert as a general; and as he adopted the project, he instantly fell upon the unsuspecting enemy, routed two whole regiments of cavalry, and penetrated to within two miles of Essex's quarters. With this exploit, and with much booty, he retired; but the alarm having been spread through the parliamentary army, Hampden, ever on the alert, and ready for an affair of danger, quickly pursued the assailants, and attacked their rear in Chalgrove-field, in the corner of Buckinghamshire. In this skirmish he received a musket-shot in the should-

Death of Hampden.

er, of which he died in great agony a few days afterwards *.

So much has already been said of this celebrated individual, that we shall content ourselves here with remarking, that, had his advice, on four several occasions, been followed, it would have been, in all probability, decisive of the war. We need not remind the reader, 1*st*, of what occurred on the day after the battle of Edgehill; 2*dly*, of what happened on the affair at Brentford; 3*dly*, of the advice he gave when Essex attacked Reading instead of Oxford; and, *lastly*, of that which he needlessly urged after the fall of Reading. Such a consummation of the war was, in the very nature of the contest, implied as its object, and it was hoped that, when the council, the various officers, and the militia were all settled, and the king's guilty adherents brought to condign punishment, tranquillity might be restored, and the liberty of the people secured. How far the hope was well founded may be questioned: for as Charles was destitute of good faith, he was not to be bound by any engagement; and as the parliament unfortunately, and fatally, encouraged the idea, that, whatever might be the issue of hostilities with his people, his life, liberty and crown—nay all the regal authority which they now proposed to allow him—would be perfectly inviolable, he confidently concluded that, in any fresh projects, he might be successful in at-

* Clar. vol. iii. p. 260, *et seq.* Whitelocke, p. 70. Rush. vol. viii. p. 274. Warwick, p. 239. Clarendon has a sort of defence of Hurry, but it is not very consistent with his own statement.

taining the object of his ambition, while, in the case of failure, he could lose nothing; and therefore would ever have been busied in cabals, both at home and abroad, against the limits assigned to his prerogative, and the men who had imposed them. What succours to his plans he might have obtained from Ireland and Scotland, as well as from foreign states, it is impossible to determine; but, as too many of his subjects, perceiving him seated in the former dignity of his office, would, before the new settlement had been confirmed by time, have been apt to recal the various associations connected with his late power, and still to look forward to him as the source of office, honour, and emolument, so many of desperate fortunes and characters would, undeterred by the fate of their predecessors, have been eager to embark with the sovereign in any fresh adventure which promised to raise them to the highest place in the commonwealth. There was likewise a great probability that the parliament itself, after it had secured the disposal of the offices, would have been rent into factions, and that the weaker would have endeavoured to strengthen themselves by an alliance with the monarch, which would have proved fatal to the new settlement. The only office which it is alleged that Hampden ever desired—and even that is doubtful—was tutor to the prince, whom he wished to train in habits suited to the genius of the constitution *.

* Warwick, p. 222.

Essex continued his inactivity, and therefore we shall take a view of the war in other quarters. We have already mentioned that the cessation in the west was broken in the spring. The Earl of Stamford, who commanded the parliamentary forces in that quarter, had placed 1500 foot and 200 horse in the north of Devonshire, under the immediate command of Major James Chudleigh, son of Sir George, who was the Earl's lieutenant-general. This major had been deeply engaged in the army-plots; but having told the truth on his examination upon oath, he was afterwards so ill received by his own party, whom he never meant to desert, that he proffered his services as a military man to the parliament. In the first instance he rendered acceptable service to his new masters; but he soon betrayed his trust. Having learned that Launceston, in Cornwall, was slenderly garrisoned, he resolved to try its reduction. He therefore beat the centinels from Polsen-Bridge, and approached to a hill called the Windmill, which protects the town, and where Sir Ralph Hopton had stationed his forces in a temporary fort that he had erected. These Chudleigh immediately attacked; but having met with greater resistance than he had expected, and having been prevented by the numerous hedges from using his horse, he was obliged to retreat. To intercept him Sir Ralph attempted to seize the bridge; but the arrival of some fresh parliamentary troops defeated the design. Chudleigh therefore, succeeded in carrying off his ordnance, ammunition, &c. without

Actions in the west.

any extraordinary loss, to Oakhampton. His whole force there, however, only consisted of about 1000 foot and 120 horse; and Hopton, who mustered 4000 foot and 500 dragoons and horse, determined to attack that town. All that Chudleigh could propose to himself was a safe retreat, without the loss of his artillery and ammunition; and as the carriages had been dismissed as unserviceable, and no new ones had been provided, this was a matter of difficulty. His object, therefore, was to skirmish with the forlorn hope, and thus, if possible, stop the enemy, till night should oblige the assailants to encamp on the downs, when he hoped that carriages would be provided, and darkness would enable him to retire. Having made proper dispositions for this purpose—his horse being drawn up in six divisions, and the foot stationed at the town's end—he so successfully charged Hopton's horse, and through them even the foot, that he put the whole body into disorder, and even took three stand of colours belonging to the infantry. Flushed with this success, he ordered the foot to advance; but the superiority of the enemy in number so awed them, that they would not be prevailed upon. He resumed, therefore, his original purpose of restricting himself to the effecting of a retreat; and having given orders to his infantry to leave their matches burning, so that they appeared to the adverse party like an army ready to fall upon them, while with a select body of horse he beat off the scouts, and prevented all intelligence of his design—he thus being favour-

ed by the darkness and tempestuousness of the night, effected his retreat. Hopton then drew off his troops in disorder from the downs, with the loss of a portion of the arms and ammunition, which next day fell into the hands of Chudleigh's soldiers and the country people *.

This brilliant conduct only served to blacken the subsequent treachery of Chudleigh. Stamford had taken up his position on a hill at Stratton, on the borders of Cornwall, and dispatched his lieutenant-general, Sir George Chudleigh, into Cornwall, with 600 horse. The absence of the father was taken advantage of by the son to betray the army in which he commanded. According to a previous arrangement, which was fully disclosed by letters that were afterwards intercepted, Hopton attacked Stamford's army, and as Chudleigh, in the heat of battle, when victory inclined to the parliamentary side, infamously went over with a party to the enemy, and charged the parliamentary troops, a circumstance that spread consternation all around, the Earl sustained a defeat. For this service Hopton was created Lord Hopton of Stratton †. Stam- Battle of Stratton.

* Rush. vol. v. p. 267, 268.

† Id. p. 271-2. Mr. Hume's account of this battle is not a little amusing. He quotes Rushworth; yet, though that author says, that "by intercepted letters to his," (Chudleigh's) "father, it appeared to have been designed by him," Hume extols that officer's conduct. But then it afforded him an opportunity of paying a high compliment to the gallantry of the royalist troops, "led by the prime gentry of the county." He refers also to Clarendon, who indeed praises Chudleigh, but then he takes no notice of a laboured defence by that noble historian against the charge of treachery brought

ford retired by Barnstaple to Exeter, where he was besieged by this very Major. Charles had intended to have sent Prince Rupert to the west, when matters began to wear so promising an aspect; but, after the battle of Stratton, he contented himself with sending Prince Maurice and the Marquis of Hertford. Maurice, having joined Chudleigh with a strong force, pushed the siege, and Stamford yielded upon terms, after having held out for eight months and nineteen days: But his conduct gave such small satisfaction to his employers, that a purpose was at one time entertained of prosecuting him for the surrender *.

Hopton being reinforced with part of the troops under Prince Maurice and the Marquis of Hertford, overran the county of Devon, and even made incursions into Somerset. Waller therefore was sent against him, and after some skirmishing, the two parties fought a great battle at Lansdown near Bath. This engagement was not decisive; each party having retreated to its former quarters. On the royal side there fell Sir Bevil Grenville, Lieutenant-Colonel Ward, and Major Lowes. The parliament lost a major, a lieutenant, and two cor-

Battle of Lansdown.

by the Earl of Stamford, a defence which convicts the accused. He states that it was partly in consequence of this scandal that Chudleigh joined the royal side! But see what he says in this place about the army plot. It certainly conveys a very different picture from his former statements. In particular, he says Chudleigh had "been busy in inclining the army to engage in such petitions and undertakings as were not gracious to the parliament." Formerly, there had been but one petition! Clar. vol. iii. p. 268, *et seq.*

* Rush. p. 263, *et seq.* Clar. vol. iii. p. 273, 234, 236.

nets.* Waller having refreshed his men by two days' stay at Bath, bent his course towards the Devises, a town in Wiltshire, to which Hopton had retreated; and which, after some skirmishing, he laid siege to; and, as Prince Maurice and the Marquis of Hertford had returned to Oxford, he had every prospect of carrying the place and finishing the war in the west. But a jealousy between him and Essex, who began to entertain apprehensions that he might supersede him, together with some indiscretion as a commander, proved fatal to the enterprise and the army of Waller. The Earl of Caernarvon and Lord Wilmot had been, by the remissness, not to say more, of Essex, who ought to have intercepted them, been allowed to approach with upwards of 2000 horse, and were within two or three miles of his camp when notice reached him of their advance. His object was to attack them instantly before they should be enabled to act in concert with the beseiged, and he gave immediate orders to draw out his army on Round-way Down. His men too much despised the enemy, whom, as they descended the hill, Sir Arthur Haslerig with the horse, which he carried away from the infantry, galloped up to attack on very disadvantageous ground, when he was put to a disorderly retreat. Having joined the reserve, however, they rallied and stood a second charge; but were then totally routed. The infantry stood better; but Hopton having sallied upon them

Battle of Round-way Down.

* Clar. vol. iii. p. 277, *et seq.* Rush. p. 284.

from the town, while Caernarvon's cavalry attacked them in front, destitute of any protection from their own horse, they in a short time were also defeated, and, having flung down their arms, fled in all directions. Waller, with Hazlerig and other commanders, took refuge in Bristol, and from thence he went to London, where, though his fame, which had been previously very high, was tarnished, he was highly caressed, and another army raised for him. He complained loudly of Essex for having allowed Wilmot to pass him; and indeed it is not easy to figure an excuse for him. Many prisoners, four pieces of ordnance, with a vast quantity of small arms, fell into the hands of the conquerors *.

Losses upon the parliament seemed to accumulate, through the incapacity of its officers. Bristol, the second town in the kingdom, was taken on the 22d of July by Prince Rupert, who appeared before it with an army said to amount to twenty thousand. The governor of the town, Colonel Nathaniel Fiennes, son of Lord Say, surrendered it in a manner which justly brought upon him a sentence of death, on a charge of cowardice; but he received a pardon. He had stipulated for the safety of the troops and the inhabitants; yet, under the pretext that the articles of Reading had been violated, the grossest infringements took place †.

Capture of Bristol by Prince Rupert.

* Rush. vol. v. p. 285. Clar. vol. v. p. 287, *et seq.* Whitelocke, p. 70.

† Whitelocke, p. 71. Rush. vol. v. p. 284. Clar. vol. iii. p. 293. There had formerly been a deign to betray it, p. 217. See State Trials, vol. iv. p. 186, for the trial of Fiennes.

About the time that Bristol was surrendered, the queen joined her consort at Oxford with a large reinforcement, and now he seemed superior to his enemies. Waller's army had been nearly annihilated; while Essex had so allowed his to moulder away in inactivity, and the parliament had so ill supplied it latterly with necessaries, that it was reduced to a wretched condition. In this apparent decline of its affairs, some of the lords deserted the parliament, though as their reception at Oxford was ungracious, they returned *; and the great body of the upper house desired peace, while Essex himself recommended it. Propositions were therefore sent down from the Lords to the Commons, to be agreed to by that body, and then transmitted to the king. The particulars were, that both armies might be presently disbanded, and his majesty be entreated to return to his parliament, upon such security as should give him satisfaction: Secondly, That religion might be settled with the advice of a senate of divines, in such a manner as should be agreed to by his majesty, with the consent of both houses: Thirdly, That the militia, both by sea and land, might be settled by bill, and with the forts, &c. committed to such hands as the king should appoint, with the approbation of both houses; and that his majesty's revenue should be absolutely and wholly restored to him: Fourthly, That all the members of both

The propositions of the lords for peace.

* Baillie, vol. v. p. 391. Clar. vol. iii. p. 324, *et seq.* Rush. vol. v. p. 367, 368.

houses, who had been expelled merely for absenting themselves, or complying with his majesty, without any other charge against them, should be restored to their places: Fifthly, That all delinquents from before the 10th of January, 1641, should be delivered up to the justice of parliament, and a general pardon be passed for all others on all sides.

Such was the disposition of the lords; but a very different spirit prevailed in the lower house as well as in the city. The upper house appear to have been the grand cause of the protraction of the war, and of the present calamities. Individuals of the peerage had been appointed to the highest stations, for which, either through incapacity or unpardonable lukewarmness, they were unqualified. That had been remarkable in the general, and had it not been for the late defeat of Waller, he probably might have superseded Essex in the chief command. A determination had been formed to call in the Scots; and their junction with the English parliament proved serviceable, chiefly by giving influence to the popular party, and thus enabling them to exercise a greater latitude in the choice of their officers, and to follow out more decisive measures. The Scots, on the other hand, had discovered the perfidious plot against them, under the direction of Antrim and Montrose, which, with other motives, determined them to enter into a league. Out of a negociation, therefore, entered into between the two countries, was formed the famous solemn league and covenant, of which, and

the negociation, we shall afterwards give a full account. In the meantime we may observe that, with the expectation of great assistance from Scotland, and, above all, with the hope which this inspired of being enabled to act more decisively, and appoint more efficient commanders without clogging every measure by a deference to the lords, lest they should desert to the king,—the commons had no cause to despair, especially as the spirit of the city and of the great body of the people, remained unbroken. It was probably the dread of this preponderance which the new arrangement threatened to give to the commons that induced the lords to be so anxious for peace. It is not likely that they were strangers to the feeling which appears to have been prevalent that the disastrous protraction of hostilities was attributable to them *. The city, too, proposed to raise an army for Waller.

Under these circumstances, the commons rejected the propositions of the lords; declaring that they had sustained great injury by the treaty at Oxford; and that, as the king had since pronounced them no parliament, it was impossible for them to propose a treaty till their character as a legislative assembly was vindicated; and that, considering the league which had been formed with Scotland, any treaty to which that nation was no party would be a betraying of them, which would

Rejected by the commons.

* See Baillie's Let. vol. i. p. 371. Waller was the favourite of the commons, and hated by the lords, p. 403. A jealousy was early entertained of Essex. See a letter to Ormonde, 31st Dec. 1642. Carte's Let. vol. i. p. 17.

incur a forfeiture of all hope of relief from that quarter, to whatever extremity they should afterwards be reduced. They also rested their hopes upon the exertions of the city and the neighbouring counties.

No sooner had the intention of peace on the part of the lords been intimated to the city, than it excited a general alarm; and, by the activity of Pennington, the lord mayor, a common council was called to petition against it. There was, however, still a faction lurking in the city which favoured the king; and a petition for peace, no doubt framed by their betters, was presented by 2000 or 3000 women of the lowest order in society. It was even supposed that many of the mob were men in women's clothes. Their petition was graciously received; the commons declaring their hearty desire of accommodation: but this could not satisfy a mob that had been primed for mischief; and as their numbers increased, they bawled out—"Peace, peace; give up those traitors that are against peace, that we may tear them in pieces; give us that dog Pym." As matters became serious, the trained-bands that guarded the house tried to disperse them with blank shot; but when they understood that there was no intention to hurt them, they cried out that there was nothing but powder, and attacked the guards with brick-bats and other missiles. A troop of horse was then called in, which, after all gentle means had failed, drew their swords, and wounded some of the mob, as well as killed two, of whom one was

A tumult at Westminster.

a ballad-singer. This event is the more particularly dwelt upon, as royalist writers expatiate on the respectability of the mob, as well as on the cruelty and injustice of those who dispersed it; and the affair has given rise to the erroneous idea that there was in London a large party favourable to the king, whereas the disturbance was in all probability contrived by the cavaliers to produce distraction, and was confined to a class not likely to have much influence in the state *.

From the gloomy aspect of affairs, it has been supposed by many historians, that had the king marched directly to London at this period, he might have carried it, and thus have terminated the war; but historians, as if an army could be transported with as much facility as the eye travels over a map, are too much inclined to overlook difficulties in these cases; they delight to dwell on contrasts, which impart animation to the scene; the passions and feelings of every kind being excited by extremes;—the reader, agitated by what he either hopes or fears, enters with the greatest keenness into the conception of the piece, when the fate of a kingdom hangs upon a trifle. It is this which has induced historians to take such a view of the present posture of affairs; but if all circumstances be considered, the practicability of reducing London will not be so apparent. The spirit of the city was unsubdued; the factious, af-

* Baillie, p. 390, 391. Cobbett's Parl. Hist. vol. iii. p. 150, *et seq.* Clar. vol. iii. p. 318, *et seq.* May, lib. iii. p. 90.

ter the discovery of Waller's plot, could with no great difficulty have been suppressed; and the mighty efforts which the metropolis immediately made, prove that it could have mustered such a body as most probably would have overwhelmed resistance.*

Siege of Gloucester.

Charles determined upon immediate action; and his council was much divided regarding the expedition which he ought to undertake—whether it should be against London or Gloucester. By the possession of the latter town, he would have opened a line of communication, of the utmost importance to him, between Wales and Oxford; and, as he expected small opposition from that place, he directed his march thither. But miserable was his disappointment: never, perhaps, was greater heroism in the defence of a town exhibited. Having sat down before it, he summoned it to surrender; but the city sent the following spirited answer in writing, by the hands of Serjeant-major

* The following is a most valuable passage from Clarendon, vol. iii. p. 384: "The discomposures, jealousies, and disgusts, which reigned at Oxford, produced great inconveniences; and as men, in a scuffle lose their weapons, and light upon those which belonged to their adversaries, who again arm themselves with those which belonged to the others; such, one would have thought, had been the fortune of the king's army in the encounters with the enemies; for those under the king's commanders grew insensibly into all the licence, disorders, and impieties with which they reproached the rebels; and they into great discipline, diligence, and sobriety; which begot courage and resolution in them, and notable dexterity in achievements and enterprises. In so much, as one side seemed to fight for monarchy with the weapons of confusion, and the other to destroy the king and government with all the principles and regularity of monarchy."

Pudsey and one of the citizens: "We the inhabitants, magistrates, officers, and soldiers, within this garrison of Gloucester, unto his majesty's gracious message return this humble answer, that we do keep this city according to our oath and allegiance to, and for the use of his majesty and his royal posterity, and do conceive ourselves wholly bound to obey the commands of his majesty signified by both houses of parliament, and are resolved, by God's help, to keep the city accordingly." The king, who was elated with the strength of his own army, and could not comprehend whence the garrison expected relief, was astonished at the answer. "Waller is extinct," said he, in the hearing of the messengers, "and Essex cannot come *."

* Mr. Hume, almost in the words of Clarendon, expresses himself thus: "The summons to surrender allowed two hours for an answer: But before that time expired, there appeared before the king two citizens with lean, pale, sharp, and dismal visages"—had famine eaten them up?—"Faces so strange and uncouth, according to Lord Clarendon; figures so habited and accoutred, as at once moved the most grave countenance to mirth, and the most cheerful heart to sadness: It seemed impossible that such messengers could bring less than a defiance. The men, without any circumstance of duty or good manners, in a pert, shrill, undismayed accent, said that they brought an answer from the godly city of Gloucester; and extremely ready were they, according to the historian, to give insolent and seditious replies to any question; as if their business were chiefly by provoking the king to make him violate his own safe conduct." There is something so ridiculous in all this, that it is not surpassed by what we are told of the Spanish bigotry in the early stages of the Reformation—that the poor people were surprised to find that the English had the appearance of men. Why should the citizens of Gloucester have been so unlike the rest of their species? or why should the most uncouth have been selected—*with similar qualities too*? But Clarendon, though,

The governor of Gloucester was Massey, and his ability in its defence extorted encomiums from the adverse party. As a considerable loss had been sustained in the attempt to storm Bristol, the ardour of the military for such enterprises was damped, and the town was not to be taken in that way. Yet, scarcely had the messengers returned to the garrison, when the king, by firing the suburbs, made a shew of such a design; but this, which was the only attempt of the kind, far from striking terror, as had been anticipated, into the soldiers and citizens, only roused a more resolute determination to defend the place to the last. The garrison consisted of no more than 1500, and, with the exception of about 120 that were kept as a reserve, the whole were day and night on duty; yet such was the spirit of the soldiery and talent of the officers, that they not only defeated the projects of the enemy, but made many successful sallies, particularly under Serjeant-major Pudsey, in which the skill and resolution of the assailants were so remarkable, that scarcely a man of them

as in the preceding note, he does sometimes tell the truth, is prone to vent his spleen against any brave set of men, by denying the qualities of the body as well as those of the spirit. This, however, affords no excuse) for, Mr. Hume, as himself refers to, Rushworth and May, who state, and indisputably too, that one of the two was Serjeant-major Pudsey, whose gallantry in the siege was beyond praise. (Nor let the word serjeant-major startle the reader: the city of London's commander went under that title, and the commanders of other towns; while even Waller was appointed to an army as Essex's serjeant-major. Monroe was serjeant-major-general, in Ireland, of the Earl of Leven. See Clar. vol. iii. p. 315. Rush. vol. v. p. 287. May, lib. iii. p. 96.

was killed, though the royal army invariably sustained considerable loss. Even the women, young and old, emulated the men in contributing to the defence of the town, by venturing beyond the walls for turf and other materials, undeterred by Rupert's horse, which were ever on the alert, and would, they well knew, have shewn them no mercy*.

Great was the consternation of London when intelligence of this siege arrived; and the relief of Gloucester was conceived to be of vital importance to the cause. But their only army was that under Essex, which was so wasted and sickly, besides being eighty miles distant from that town, the reputation of the parliament was sunk, and many began to desert a falling cause; while the disaffected spread daily reports of the fall or surrender of the place, and expatiated upon the impracticability of sending it relief. But the parliament and metropolis shewed themselves superior to misfortunes, and afforded a striking proof of the power of a popular spirit. The city regiments and auxiliaries proffered their services, while the regiments of the old army were recruited, partly by impressment, which, by the way, rather discredited the cause, and, in fifteen days, Essex marched to the relief of Gloucester, at the head of 14,000 choice men. The committee for the militia of the city ordered all shops to be

Essex sent to the relief of Gloucester.

* May, lib. iii. p. 94, *et seq.* Rush. vol. v. p. 286, *et seq.* Clar. vol. iii. p. 341, *et seq.* Whitelocke, p. 72. Ludlow, vol. i. p. 65. Clarendon tells us that not above one officer, and not above three common soldiers ran from the town.

shut, according to powers vested in them by ordinance, till Gloucester were relieved, in order that the citizens might be prepared for the defence of the capital. At the same moment, too, another army was raising for Waller; and the Earl of Manchester undertook to raise one in the associated counties over which he presided, to act in concert with the troops which had performed many gallant exploits under Cromwell. No man can seriously reflect on all this, without being satisfied that Charles acted judiciously in trying Gloucester instead of London *.

The siege raised.

The route of Essex lay through a wasted country; but his raw levies were undismayed, and evinced their ardour for fight in various skirmishes by the way. On the fifth of September he drew up his army in sight of Gloucester, when the siege was instantly raised; and as the royal forces could not be prevailed on by Charles to fight, he was permitted to enter the town on the eighth. By this

* May, lib. iii. c. 6. Rush. ibid. Whitelocke, ibid. After the royal failure at Gloucester, all the courtiers and officers poured forth execrations against those who advised the siege, which most of them had approved of. "Though," says Clarendon, "what happened in the relief of Gloucester might well seem to justify the measure, for since it appeared that the city was so much united to the parliament that it supplied their army with their trained-bands, (without which it never could have marched,) with what success could his majesty have approached London, after the taking of Bristol, with his harassed army? And *would not the whole body of the trained-bands have defended that, when so considerable a part of them could be persuaded to undertake a march of 200 miles?* for less they did not march from the time they went out to that in which they returned." vol. iii. p. 361. This is good sense, and the gallant conduct of the trained-bands will be seen immediately.

time it was reduced to the last extremity, and he not only lay there two nights, that its immediate wants might be supplied, but marched to Tewksbury, where he continued five nights more, that, while he commanded the adjacent country, Gloucester might have a full opportunity of laying in a sufficient stock of provisions. Thus was Gloucester relieved from siege, but it was only rescued from that danger to be exposed to another; for what the king could not effect by arms, he then nearly accomplished by treachery: the design, however, fortunately failed, from an ill arrangement between the traitors and the royalist party without*.

Having effected his grand object, Essex, who heard that there was a portion of the royal forces at Cirencester drawing in a large stock of provisions, marched thither, and surprised two regiments, from which he took three hundred prisoners, and four hundred horses, six standards, and, what his army required, fifty load of provisions. He afterwards discovered that this affair was of greater importance than he had imagined, as these regiments were intended to cover a design of raising a party in Kent. From Cirencester he proceeded by Crickdale towards Newbury; but as he approached to within two miles of the latter place, he beheld the royal army stationed on a hill in the neighbourhood, the king having availed himself of the opportunity afforded by the necessary delays of the parliamentary army to get beyond it. The

* May, Rush. Whitelocke, Clar. Ibid.

position of the royal army was remarkably favourable for defence; yet Essex, as it intercepted his march, had no alternative but to hazard a battle, and force his way through the obstruction. He therefore prepared for fight on the following morning. After a desperate struggle the parliamentary troops opened their way through difficult ground which separated the two armies, and the engagement became general. On former occasions the king had always excelled in horse, but here the parliament's cavalry evinced no inferiority; and the trained-bands of the city, which had never seen any service beyond the training in the artillery garden, gave a memorable proof of the illiberal absurdity of those sneers against that species of establishment, by which certain people,—who probably in their hearts dislike the spirit which actuates such bodies, while their unmanly jealousy inclines them to deny the courage of the soldier to those whom they have been accustomed to meet as citizens,—affect a character of wisdom, as if men who have the deepest stake in the community, and cannot justly be accused of want of discipline, should not be most zealous in its defence. Rupert himself charged them with the flower of his horse, but could make no impression on their stand of pikes, which was immovable as a bulwark or rampart. The royal forces also behaved with much spirit; and with greater liberality than we discover on other occasions, for, in reading the opposite accounts of battles, one would almost imagine, from their different statements, that their an-

Battle of Newbury.

tagonists were destitute of the ordinary courage of men. Each party did justice to the gallantry of its adversaries. "All were Englishmen," says Whitelocke, "and pity it was that such courage should be spent in the blood of each other." The battle continued, with various success, from eight in the morning till darkness separated the combatants. Essex had gained ground; but such was the doubtful nature of the action, that he expected a renewal of it next day, when the king, by drawing off his army, allowed him to pursue his march by Reading to London. The king in this fight and previous skirmishes lost in killed above 2000. Essex did not lose above 500 *.

It had been the misfortune of Charles hitherto, in most of the battles and skirmishes, to lose some of his fastest friends; and he is supposed now, on the fall of the Earl of Carnaervon and Lord Falkland, to have sustained a great calamity; but though he might deplore the first, it is most likely that he did not deeply lament the death of the latter, who, far from flattering his passions, had brought himself under obloquy and reproach for having unceasingly laboured to effect a reconciliation with the parliament, and thus save his country from all the misery which he both witnessed and anticipated. He was one of those mixed characters, whose failings we pity, whose virtues we admire. At the beginning of this parliament he

Death and character of Lord Falkland.

* Rush. vol. v. p. 293. May, lib. iii. p. 108, *et seq.* Whitelocke, p. 73, Ludlow, p. 66.

had stood forth the staunch advocate of civil and ecclesiastical liberty; and, as to high rank, he joined the most elegant accomplishments and considerable talents, he soon raised himself to influence with the parliament and estimation with the people at large. It is charity to believe that, as he was firmly attached to aristocractical privileges as well as to monarchy, though a friend to the constitutional liberty of the subject, he began to be alarmed at the spirit of innovation which he apprehended in the commons; and that, at this critical juncture, the tempting offers of the court, backed with the artful persuasions of Hyde, whose pupil he was, determined him to desert to the king, under the vain imagination that he might gratify his ambition without sacrificing the interests of his country. Fairly entangled with the court, he had not the resolution to abandon it; and with it his prospects, when he perceived that Charles was bent on measures destructive of the national franchises. But though denounced as a traitor by the parliament, and excepted from pardon by all the propositions, the unprincipled rancour of an apostate never possessed him. He still cherished the hope that he might be the mean of saving the constitution, and strained every effort to accomplish the object by reconciling the contending parties. It would be a pleasure to draw a veil over that part of his conduct which reflects most disgrace upon his memory—the sanction which he gave to the most solemn declarations that he must have known to have been destitute

of truth: but though it be impossible to excuse this part of his conduct, we feel our indignation melt into compassion, when we consider the anguish he endured on account of this unhappy contest, which he believed would end either in anarchy or despotism. More than his former cheerfulness, however, brightened up his countenance on any prospect of peace, which he would urge with all his might; but his interposition for his country, as it was lost on Charles and his more intimate advisers, only brought against him the charge of being one of "those bad hollow-hearted counsellors who too much affected the parliamentary way," "and were so enamoured of peace that they would have the king purchase it at any price." A settled gloom, therefore, stole upon his mind, and clouded his features; the natural affability of his temper in the discharge of his office was converted into peevishness, which was mistaken for pride: sleep forsook him, the flesh wasted away from his bones, and a sallow paleness overspread his visage: his dress and personal appearance, which he had previously paid more attention to, and expended larger sums on, than might have been expected from one of his elegant turn, were now quite neglected. In the society of his friends, often after a deep and sad silence, interrupted with frequent sighs, he would, in a shrill, mournful accent, ingeminate the word—Peace, peace; declaring that the continuance of these calamities, and the prospect of further mischief, deprived him of sleep, and would shortly break his heart. His courage

in the field had always been remarkable; but the spirit with which he entered into battle on that fatal day, was that of a man tired of existence. He dressed himself neatly in the morning, observing, that the enemy should not find his body in foul linen; and declared that he was weary of the times, as he foresaw much calamity to his country, but that he hoped to be out of the world ere night. He was in his thirty-fourth year *.

Temper of the court and army at Oxford.

Before the siege of Gloucester, the king's party had been so elated with the fall of Bristol, that they flattered themselves that the war was at a close, and imagined that they had only to march to London and take possession of it, as it would be delivered to them on demand. But on this reverse there appeared nothing but dejection of mind; "it being their unlucky temper," says Clarendon, "to be the soonest and the most desperately cast down upon any misfortune or loss, and again, upon any victory, to be the most elated, and the most apt to undervalue any difficulties which remained." After the king's return to Oxford, discontent and secret mutiny raged in the army, every one accusing another of want of courage and want of conduct in the field, and all execrating the expedition to Gloucester, though themselves had approved of it. But, while the soldiers were all quarrelling amongst themselves, in one thing they

* Clar. vol. iii. p. 360, *et seq.* Whitelocke, p. 73. Carte's Let. vol. i. p. 20. From the character of Falkland, and the reproaches flung upon him, I cannot doubt that he is alluded to here, though the writer prudently declines to mention names in his dispatch.

all agreed—in a contempt of any other body of men, and, in particular, of the council; and imagining that the king depended altogether upon the power of the sword, they conceived that all councils should be subordinate to them, whence it is not unlikely that, had the king been successful in war, he would have brought himself under a more ignominious bondage than that which he so abhorred from the parliament. The very temper, however, of the troops, would have frustrated the effects even of triumph in the field; for their indiscriminate plunder and insolence, wherever they went, raised up the country against them. The court and council were also rent into factions, every one being importunate for office and honours, and ready to sacrifice all that stood in the way of his own advancement *.

Actions in the north.

While the fortune of the war seemed fairly turned in the south, it will be necessary to take a short review of the actions in the north. Hull had nearly fallen a sacrifice to the treachery of the

* Clar. vol. iii. p. 327. "A very great licence," says Clarendon, "broke into the army, both among officers and soldiers," (at the siege of Gloucester,) "the malignity of those parts being thought excuse for the exercise of any rapine or severity amongst the inhabitants. Insomuch, as it is hardly to be credited how many thousand sheep were in a few days destroyed, besides what were brought to the commissaries for a regular provision, and many countrymen imprisoned by officers without warrant, or the least knowledge of the king, till they had paid good sums for their delinquency, all which brought great clamour upon the discipline of the army, and justice of the officers, and made them likewise less prepared for the service they were to expect." P. 341, 342. 361, *et seq.* 384, *et seq.* Vol. iv. p. 480, *et seq.* 496—515—518. 551, *et seq.* 626—51. 67, *et seq.* 87—96, 97. 700—4. 28, 29.

Hothams; but the plot having, as it was ripe for execution, been luckily discovered, both father and son were sent to London, where they underwent the just punishment of their villany *. The preservation of Hull proved the safety of Fairfax. After a brilliant career he had been attacked at Atherton-moor by the Earl of Newcastle, with a superior force, especially in cavalry, and had been utterly defeated and pursued into Hull, where he was soon besieged. Before beginning the siege, however, Newcastle directed himself towards Gainsborough, which, after a desperate attack, was surrendered to him. This town had, a little before, been taken by assault for the parliament, by Cromwell, who "now," says Whitelocke, "began to appear to the world. He had a brave regiment of horse of his countrymen, most of them freeholders, and freeholders' sons, and who, in matter of conscience, engaged in this quarrel under Cromwell, and thus being well armed within by the satisfaction of their own consciences, and without by good iron arms, they would as one man stand firmly and charge desperately †." On that occasion, there fell the Earl of Kingston, and a son of the Earl of Devonshire; but Cromwell having been obliged to recruit his little army, and Newcastle, after the defeat of Fairfax, having advanced

* It is amazing to see Mr. Hume condemn the parliament for this piece of justice. Had any of Charles's officers acted a similar part, would any one pretend that he did not deserve death? Having engaged with the parliament, they ought surely to have been faithful to it, or surrendered their commission.

† Whitelocke, p. 72.

with six thousand horse and foot, when there was no sufficient force to cope with him, forced Gainsborough in several places, and obliged Lord Willoughby to surrender it on the condition of being allowed to march away with bag and baggage. Willoughby carried his troops to Lincoln; but the Earl dislodged them, and placed a garrison there for the king. After this good fortune he was created Marquis, and sat down before Hull*.

In the meantime, Sir Thomas Fairfax had raised twenty-five troops of horse and dragoons, and two thousand foot, with part of which having been driven from Beverley, he joined Cromwell, who had recruited his forces; and the Earl of Manchester, who also raised an army by an ordinance of parliament. On the 11th of October, they engaged part of the Marquis's forces at Horn-Castle, in Lincolnshire, and defeated them. In dragoons and horse, both sides, were nearly equal. Cromwell commanded the van, and charged with the utmost resolution; but his intrepidity had nearly proved fatal to him. His horse having been killed under him, tumbled above him, and, as he attempted to rise, he was again knocked down by Sir Arthur Ingram, the gentleman who had assaulted him. He, however, got up, and having seized "a poor horse in a soldier's hand," returned to the charge. The van of the royalist horse gave way, and threw the reserve into disorder: Manchester's cavalry then, availing themselves of the advantage,

* Whitelocke, p. 70, *et seq.* Rush. vol. v. p. 275, *et seq.*

put the whole to the rout. The parliamentary foot now advanced; but the horse had already done the business. A thousand of the royal party fell on that day, while the opposite side sustained a very small loss, which did not include one man of note. So far were matters now changed, that the parliament, which had been inferior in horse, though superior in foot now under Cromwell, began to excel far more in cavalry than it had ever done in infantry. On the following day, Lord Fairfax, who had beat off many attempts of Newcastle on Hull, by a desperate sally, obliged that nobleman to raise the siege*. The tide of war was now, therefore, completely changed in the north, as well as in the south; and there is small reason to doubt that the parliament would have prevailed in the struggle though the Scots had never entered England.

The solemn league and covenant.

We have already seen what had occurred in regard to Scotland; but it may be necessary to advert to the feelings and views of the people of that country. The Covenanters have been described by a late celebrated historian, as having been solely actuated by ridiculous fanaticism; but, when we examine the most legitimate sources of information—the familiar letters of one of the chief covenanting clergy, addressed to his brother-in-law—we see matters in a very different light. All men who zealously embrace any opinion, not only on

* Rush. vol. v. p. 281, *et seq.* Whitelocke, p. 75-6.

political and religious subjects, but even on those which do not appear to affect human interests, are anxious that others should adopt it, and regard with particular satisfaction, all, wherever situated, who concur with them in sentiment. In religious or political matters, all benevolent minds desire that others should enjoy that happiness which they admire in their own institutions. But when there is reason to believe that the chief magistrate lies in wait to overturn the civil and religious rights, every one must feel his interests at home strengthened by the diffusion of the same principles abroad, and therefore watches the proceedings in other states, with a concernment approximating to what he does those in his own.

English affairs, however, came at once home to the bosoms of the Scots as their own, for they lived under the same king, and plainly perceived that he required only the conquest of the sister kingdom in order to overwhelm Scotland, and restore the civil and religious bondage which they had so intrepidly cast off. On the other hand, as there was a party in Scotland busy to raise a faction there, which should overpower the Covenanters and join the king, it was scarcely possible for the latter to be quiet. It is as true that a portion of the English parliament looked for the help of the Covenanters in their internal struggle. The intrigues of Montrose, Aboyne, and the Hamiltons, were early suspected; and the second seizure of the Earl of Antrim by Monro, enabled them to develop the whole horrid plot, by papers found on

his person. After this, which struck them with dismay, for matters were blacker than they imagined, neutrality was impossible; and as they might summon a convention of estates, which in a great measure possessed the powers of a parliament, and which Charles opposed in vain, they, under that name, accomplished the object which they were denied by the king. Much was their disappointment, therefore, at the backwardness of the English parliament in soliciting their assistance; and they seem, latterly, to have listened greedily to all accounts of its disasters, which they flattered themselves would lead to that event. The matter was opposed by the aristocratical portion of the houses; but the more popular succeeded at last in carrying the measure; and commissioners, of whom Sir Henry Vane the younger was the chief, were dispatched to Scotland, for the purpose of establishing a league with that nation. Though the Scots were deeply imbued with a sense of the superiority of their religious establishment over those of all other states, they did not permit their enthusiasm to withdraw them from mere worldly affairs. Imagining that the English were almost overpowered by the king, they flattered themselves that it would be reserved for their army to suppress the royal forces; and that then, in conjunction with the Presbyterian party, they would be enabled to dictate both in civil and ecclesiastical matters, and thus open to themselves the offices in church and state.

The English commissioners were instructed to

enter into a civil league only; but it was the interest of the Scots, as well as the dictates of their feelings, to make it also a religious one. As the commissioners could not accomplish their own object, it became necessary for them to modify what appertained to ecclesiastical matters, so as not to exclude, and consequently forfeit the support and affections of, the large party in England, that now began to be known under the title of Independents, including those who had not resolved on a form of church government, but objected to the tyrannical rigour of the Presbyterians. To have yielded to any express stipulation in favour of the Independents, might have shaken the stability of the Scottish establishment, and would have blasted the hopes of the Scots in regard to the success of their schemes in the south. On the other hand, it would have been pernicious, perhaps fatal, to the English, to have renounced the interests of so powerful and respectable a body as the Independents. But as the common safety of the two nations required an immediate agreement, they entered into a compromise—that while the worship in Scotland should be sustained as at present established, the reformation in England should be effected "according to the word of God, and the example of the best reformed churches." In other respects, they agreed to root out popery, &c. A meeting of divines, for the establishment of the English church, was to be held at Westminster, where the Scottish clergy were to assist in the discussion. But the latter, though they displayed

much erudition there, which, however, they allowed their antagonists also exhibited, appear to have relied more upon the power of their army than of their arguments: their continual complaint afterwards was, that so fine a military force should do nothing; their cry, to enter upon action, that having borne down resistance from the king, it might act in conjunction with the Presbyterian party against all others *.

The agreement with the Scots obtained the name of the Solemn League and Covenant; and by it

* The clause in regard to the church-government of England has been ascribed to the deep hypocrisy of Sir Henry Vane, who, according to Clarendon, overreached a whole nation in what they most excelled in—dissimulation. But it is well for that historian to endeavour to blast the character of an individual whom he may be said to have murdered, and that of a nation which he oppressed with such tyrannical bigotry. Burnet says, that the English commissioners would not hear of a clause for presbyterianism, and thought themselves well secured from the inroads of the Scottish presbytery, by the words, "of reforming according to the word of God," cast in by Sir Henry Vane; whilst the Scots thought the next words, "of reforming according to the practice of the best reformed churches," made sure for the Scottish model, since they counted, and indisputably, that Scotland could not miss that character; and that, therefore, in the very contriving of that article, they studied to outwit each other. Now, what does all this prove, but that both parties were satisfied to leave the matter open to after discussion? That the Scots flattered themselves with the idea of carrying their object, is beyond all doubt; but, when the affair was so contested, they could not be strangers to the loose nature of the clause. Then, why should there be an assembly at Westminster, to determine upon the best ecclesiastical establishment, if any thing had been resolved upon? The private letters of Baillie, however, put this matter beyond question; and it is extraordinary that it should have been reserved for such writers as Clarendon to charge Vane with overreaching the Scots, while the Presbyterians were silent.

they undertook to send a large army into England, to co-operate with the parliament. Having been sanctioned by the English parliament, it was ordered to be taken by the people in both countries; and the enthusiasm with which it was received must have inspired terror into the opposite party. The Scottish pulpits sounded to arms; and the curse of Meroz against those who go not out to assist the Lord against the mighty, rang in the ears of the zealous auditors. Young men of family readily offered their services in the army; and old soldiers of fortune hailed the opportunity of such employment. By the close of the year, Leslie, Earl of Leven, who accepted of the command, led 20,000 men to the borders.*

On the other hand, Charles had long been tampering in Ireland, and had only been restrained from concluding a peace, and bringing over the army there to England, as well as from raising another of Irish Catholics, by the backwardness of the first to concur in the measure, and by the fatal prejudice which the project must bring to his affairs, unless it enabled him to triumph completely over the liberties of Britain. His secret correspondence with Ormonde, however, and even with Catholics, continued uninterrupted, and he employed all means to incline the army to his wishes, and to obtain a pretext for entering into a peace. The distractions in Britain had prevented sufficient

Irish affairs and cessation.

* Baillie's Letters, vol. i. p. 337, *et seq.* Burnet's Mem. of the Hamiltons, p. 233, *et seq.* Clar. vol. iii. p. 369, *et seq.*; vol. v. p. 112, 113.

supplies from being sent to the army in Ireland, and it was reduced to straits. Availing himself of this, Charles secretly encouraged the officers to set forth remonstrances of their lamentable condition, and to use the language of despair. The opposite party complained that vessels with supplies were seized by the royal troops, and alleged that others were intercepted by secret intelligence given to the rebels; and it is extraordinary, indeed, that Charles himself commanded Ormonde—that individual had been bribed with a new title—to send him arms and ammunition, articles of which Ormonde himself loudly complained in public of not being sufficiently provided. The parliament sent commissioners to watch over Irish affairs, who even engaged their own credit for the supply of the troops, and made many judicious arrangements; but, under the colour that they had been sent without his authority by an assembly in rebellion against Charles, he commanded their departure from the island, and even issued orders to seize them on a charge of sedition, &c. Some of the justices and council strenuously opposed any cessation, for a peace durst not be entered into, and these were immediately displaced, and even threatened with an impeachment, on grounds which it was well known could never be substantiated. The lord lieutenant was, on the same principles, detained in England. The officers in the army too, who opposed any agreement with the rebels, were discountenanced as disaffected to the king. All attempts to bribe the Scottish ge-

neral, and seduce his army, proved ineffectual. The intrigues, however, failed to give a colour to the proceeding till September.—The fate of the English-Irish army, and the result of the cessation, shall be related in their place *.

* The statement of Mr. Hume on this subject, and he merely follows Carte, an author that makes the boldest assertions against evidence furnished by himself, is so extraordinary that it will be necessary to meet it. His statement is, that Charles was actuated by the laudable motive of saving the English-Irish army, (which was in the utmost straits,) as well as his Protestant subjects, and that then he naturally employed the army against the parliament. Now, the first commission to Ormonde to hear the complaints of the confederated Irish, is dated the 11th of January, (Carte's Ormonde, vol. iii. p. 117, 118,) and yet it appears, by a letter to Ormonde on the 12th of that month, or next day, that Serjeant-major Warren had been previously instructed to carry to Ormonde his majesty's commands for peace, and do other work. Along with this letter there is a memorial for the treaty, "that," says Charles, "*honour and public safety may go along* WITH MY PARTICULAR INTERESTS, which I permit you to communicate according to your discretion. For the rest, I have given so full instructions to this trusty bearer that I need say no more." (Appendix to Life of Ormonde, p. 1.) Yet this trusty bearer, the king mentions, knew nothing of Warren's message. Warren seems to have been dispatched in November; and one object was, to dispose the officers of the army to the king's service, and encourage them to complain. Accordingly, on the 19th December, Ormonde writes to Secretary Nicholas, that Warren himself, with others, had formally made a complaint, (vol. iii. p. 130,) but he takes care not to allude to the secret instructions; and here I must observe, that it is perfectly evident, by collating letters, &c. that both the king, Ormonde, and others of the royal correspondents, used in their dispatches a style which imported something very different from what privately passed. Compare the letters in the Appendix to the Life of Ormonde, and what we have quoted from the Appendix to Clarendon's History of the Irish Rebellion, with those in vol. iii. of Carte's Ormonde. On the 2d of February, Charles writes, "I am glad to see, by yours of the 18th of January, that you are ready to put those propositions in execution which I made to you by Serjeant-major

*Death of Pym.

In December this year, the parliament and people sustained a great loss in the death of Pym, whose poverty at his decease put a period to the ceaseless charges of the royalists, that he was amassing an immense fortune at

Warren, assuring you, that that service shall not be hindered by the arrival of a more powerful head." (This, of course, was Leicester, the lord-lieutenant, who was purposely kept in England by Charles.) "And I earnestly desire you (for many reasons, which I have not time now to set down) to send me word, with all speed, the particulars of this business, as how, when, and in what measure it will be done, as likewise what use they will make of Mr. Bourke's dispatch in relation to it. Accommodation is much spoken of here, I having yesterday received propositions from the parliament; but those that see them will hardly believe that the propounders have any intention of peace; for certainly no less power than His, who made the world of nothing, can draw peace out of these articles." (This evinces with what disposition the treaty of Oxford was entered into.) "Therefore, I leave you to judge what hope there is for you to receive supplies from hence, which you should not want were it in the power of," &c. On the 8th, he writes—"I am glad that mine of the 12th of January are come to your hands, and that you will lose no time in the prosecution of that business, *commanding you to slacken nothing in it, whatsoever the Justices may say or do. I would not this way seem to doubt your diligence in obeying my commands, but that I find, towards the conclusion of your letter, that the justices intend to desire of me a stop of the execution of that commission; and I know that I need not bid you hinder, as much as you may, the concurrence of my Protestant subjects.* This last of yours, if I be not deceived, shews me clearly that my commands by Major Warren are very feasible; wherefore I desire you earnestly to lose no time in that neither, and that you would, with all speed, send me Warren over, very particularly instructed, which way and when I may expect the performance of that business, with all the circumstances conducing to it." Vol. ii. App. p. 2, 3. See further, a letter on the 22d, and one on St. Patrick's day, in which he says—"Besides what you will receive in answer to your last dispatch by my secretary, I must add this, to desire you to send to Ch[illegible]r as many muskets as you can spare, with all expedition. I would wish 2000, and likewise forty barrels of powder to the same place." And on the *23d of March* he writes, "*I*

the public expense; but a new calumny succeeded, that he had been cut off for his iniquity by the loathsome disease, *morbus pedicularis*, with which Sylla had been affected—a disease which has absurdly be enascribed to many *. His body was

have so fully intructed this trusty bearer, that I add nothing, but only by way of memorandum, that the Lord Forbes's fleet is to be seized" (this lord commanded troops from Scotland to suppress the Irish rebels,) "whether there be peace with the Irish rebels or not; but not to be undertaken except you be more than competent to do it: And if there be peace in Ireland, then my Irish army is to come over with all speed to assist me, and not else, *except I send you word*." Ib.—Now, if this be considered, along with the plot with Antrim, and the whole correspondence in the third volume of Carte's Ormond, it will set matters in a very strange light. See from p. 130 to 266. It appears by a letter from Digby to Ormonde, 29th November, that Antrim, who had been liberated by the interposition of the king, (see p. 213,) had returned to his old project; and yet it was in January following, that the commission which is, in the Clarendon Papers was granted to him. See Borlace's Ireland, p. 103, 104, 111 112, 114, 121, 128, 129, 135. See Clar. vol. iii. p. 159, *et seq.* Rush. vol. v. p. 348, *et seq.* Whoever will attend to what we have quoted and referred to, and to what we have formerly proved on this subject, will not entertain a doubt on the matter. The very fact, indeed, that Charles wished a pretext for bringing over the English-Irish army to England, and thence encouraged the officers to complain, and that he had projected the introduction of the Irish rebels long before the cessation, affords a presumption which is insurmountable. Carte, who abuses all who opposed the royal designs, charges Monro, who refused an earldom, and upwards of £2000 per annum, as a bribe to join Charles, with having indifferently plundered friend and foe; but it is strange that the Protestants did not complain.

* Rush. vol. v. p. 376. Whitelocke, p. 69. Clarendon, vol. iii. p. 462. Journals of the Commons. See Letters in third volume of Carte's Ormonde. The malice of Clarendon makes him repeat the silly tale (which he probably assisted to invent) regarding the cause of Pym's death, and endeavour to destroy his character for integrity by a story which, like the other, only reflects against himself; that one of the witnesses against Strafford, "an Irishman of very mean and

exposed for some time, to refute the groundless clamour. It was believed, that the load of business, with anxiety for the public service, overpowered a naturally infirm constitution at an advanced period of life. His debts were paid by the parliament.

low condition, afterwards acknowledged, that being brought to him as an evidence of one part of the charge against the lord-lieutenant, in a particular of which a person of so vile quality would not be reasonably be thought a competent informer, Mr. Pym gave him money to buy a satin suit and cloak, in which equipage he appeared at the trial, and gave his evidence." Now surely, if this person of vile quality was not worthy of credit, upon his oath against Strafforde, he should not, on his bare word, have been believed against Pym, when the restoration (for that undoubtedly was the "afterwards") had put all power in the hands of Clarendon's own party. But who was this witness? What did he swear to? To whom did he make this important disclosure? Clarendon is prudently silent as to all this. The same writer denies the great natural talents of Pym, and alleges that they were not much adorned with art; but he admits his capacity for business, and allows that "he had a very comely and grave way of expressing himself, with great volubility of words, natural and proper." But see what Baillie says of his powerful eloquence, in his Journal of Strafforde's Trial.

CHAP. IX.

State of the Court and Royal Army—Assembly of the Mock or Mongrel Parliament at Oxford, and its proceedings—Ruin of the English-Irish Regiments brought by Charles to England—Entrance of the Scots, and their junction with Fairfax after his victories at Selby—Siege of York, and junction of Manchester's Army with Fairfax's and the Scottish—Exploits of Rupert, and Battle of Marston Moor—Character of Cromwell and of the Independents—Battle of Cropredy Bridge—Essex's Forces disarmed—Second Battle of Newbury—Self-denying Ordinance—Fairfax—Montrose's proceedings in Scotland—Treaty of Uxbridge—Execution of Laud.

In his attempt to escape from the wholesome controul of his grand council, Charles only incurred a severer thraldom. To the complaints and insatiable demands of those who supported him, and who, putting a due value on their own services, shewed that they did not mean to vindicate his claims without a proper return, the royal ear must be ever open; and if any received the slightest check in his unwarrantable pretensions, he threatened to leave the kingdom. Having set

the example of trampling upon all law but that of force, he taught the soldiers to regard the sword as the origin of legitimate government, and consequently to despise the council as subordinate to the army. With a respect for the law of the land, the officers threw off that likewise for military discipline, and the ordinary decency of morals, having become addicted to the grossest intemperance and licentiousness, which soon infected the whole army. The council, which wanted all the vigour of a popular meeting, was rent into factions, all forgetting the cause in their intrigues for place, honours, and emolument, and each aiming at the ruin of his neighbour. But he, flattering himself that, after he had used his present instruments to overturn the constitution, he might either restrain or change them, was not moved by this melancholy posture of affairs, to conceive the idea of attempting to recover the place of a legal monarch; yet it is most certain, that, as the government which he desired would have been opposed to the affections of his people, he must have been little better than the slave of the military, on whom alone, in that event, he could have depended *.

Charles, having *learned* advisers, who told him that, in their "opinion, the act for the continuance of the parliament was void from the beginning, as it was not in the power of the king to bar himself from the power of dissolving it, which is to be deprived of an essential part of his sovereignty," had

* Clar. vol. iii. p. 384, *et seq.* [redacted] other [redacted]tences in our preceding page 449.

formed the design of dissolving the parliament. But from this he was dissuaded by Hyde, who assured him that not one man less would, on that account, attend the meeting at Westminster; and that, as it would confirm all the assertions of the two houses in regard to his intention, (for on the same principle that he denied the validity of this act, he might all the other acts to which even his supporters were attached, as excellent provisions in favour of public liberty;) so it would bring to them an accession of many members who had lately deserted their places in that assembly *. Instead of this, therefore, another plan was recommended; that of summoning the members of both houses to meet at Oxford, when all those who had left Westminster might, as to a free parliament, resort hither, and thus destroy the authority of the meeting at Westminster. But Charles, though he conceived the scheme to be feasible in the main, was, on other grounds, alarmed for the consequences of such an assembly, and reluctantly listened to the project. Nothing being farther from his purpose than peace upon conditions, he apprehended that the members who should obey his summons, having been allowed the character of a free parliament, might assume the independence of one, and, by proposing accommodation, cripple instead of advancing his designs. His council, however, viewed matters in a different light, and he came round

* Clar. Life, vol. i. p. 86—169, *et seq.*

to their opinion. But the grounds on which the plan was recommended and adopted, are best stated in the words of Clarendon. "It might reasonably be hoped and presumed, that persons who had that duty to obey his majesty's summons in coming thither, which would be none but such as had already absented themselves from Westminster, and thereby incensed those who remained there, would not bring ill and troublesome humours with them to disturb that service, which could only preserve them; but, on the contrary, would unite and conspire together to make the king superior to his and their enemies; and as to the advancing any propositions of peace, which there could be no doubt but they would be inclined to, nor would it be fit for his majesty to oppose them, there could be no inconvenience, since their appearing in it would but draw reproach from those at Westminster, who would never give them any answer, or look upon them under any notion but as private persons and deserters of the parliament, without any qualification to treat, or be treated with, which would more provoke those at Oxford, and by degrees stir up more animosities between them *." Thus did Charles consent even to this meeting, only from the hope that circumstances had deprived it of all independence, and that, far from accomplishing the object which he professed to have most at heart—the public peace—it would render the quarrel irreconcileable.

* Clar. Hist. vol. iii. p. 413, 414.

What had been foreseen immediately happened when this assembly met. The parliament, which had too fully experienced that propositions from the king were merely intended to cover intrigues for betraying them, had prudently prohibited any message from that quarter, except through the general; and a letter was sent from the lords and commons assembled in parliament at Oxford, under cover to him, to be conveyed to those who trusted him. This, as it at once directly denied the authority under which he acted, he refused to forward; and it was followed by a letter from the king's general for a safe conduct "to and from Westminster, for Mr. Richard Fanshaw and Mr. Thomas Ofily." The same conclusion arose from this, and Essex answered, that when his majesty required a safe conduct for the gentlemen mentioned to the two houses of parliament, it should be forwarded. Then followed another letter to Essex, enclosing one from the lords and commons of parliament assembled at Oxford, to the lords and commons of parliament assembled at Westminster, which drew from that body a spirited answer, vindicating their own character as the grand legislative assembly, yet professing their desire of accommodation; and thus ended the matter according to the monarch's wish, while it afforded him a pretext for publishing a declaration, in the name of the lords and commons of parliament assembled at Oxford, full of reproaches against the parliament for continuing so calamitous a war, in spite of all his ceaseless la-

Meeting of the mongrel parliament at Oxford.

bours to terminate the bleeding misery of his kingdom *.

Charles's mongrel parliament, as himself designated it, imitated the conduct of the two houses at Westminster in ordaining taxes. It allowed a loan of L.100,000 on privy seal, which was compulsorily levied, and imposed a duty on wine, beer, and other commodities, while it granted its authority to raise troops, whether by impressment or voluntary service. The excise was first introduced by the long parliament, and it afforded to the royalist party which thus followed the example, a field for declamation: as that it had hitherto been the reproach against foreign states, that they were subjected to it, and that the bare apprehension of such a thing at the commencement of this reign had excited a general alarm. It is not, however, the name, but the substance, which ought to excite abhorrence. England gloried in her superiority to foreign states, because no tax could be imposed in that kingdom except by the voice of the community, expressed by their legitimate organ the parliament; while, in other states, imposts were levied at the will of the prince, and fell almost exclusively upon the lower classes, lest the higher, who alone possessed a shadow of political influence, should revolt against a tyrannical government. The people of England had, on the same grounds, justly entertained the greatest apprehensions of a

* Clar. iii. p. 413-14, 440, *et seq.* Rush. vol. v. p. 550, *et seq.* Whitelocke, p. 80, *et seq.*

king who, in the face of every constitutional principle, had resolved to impose an excise of his own accord, and to introduce foreign troops to exact it. But it is not so wonderful that the royalists of that age, who merely desired a pretext for clamour, should, though they followed the example which might have closed their mouths, have stigmatised the parliament on that ground, as that the elegant historian to whom we have so often alluded, should have said, that "so extremely light had government hitherto lain upon the people, that the very name of excise was unknown to them;" for, of the invention of monopolies in Elizabeth's time, he remarks, that "had she gone on during a tract of years at her own rate, England, the seat of riches and arts, and commerce, would have contained at present as little industry as Morocco or the coast of Barbary;" and, he well knew, first, that monopolies, which were against the old fundamental laws, had since been directly prohibited by statute; and, secondly, that Charles had so shackled every manufacture, nay, raw commodity, by that pernicious system, so raised the ordinary articles of consumption, that industry and commerce had been palsied, and the people oppressed by the dearth of the articles. The removal of these monopolies had since given such a spring and energy to the national spirit, that, in spite of a civil war, the taxes of parliament had become comparatively insignificant, while the people knew that they were imposed for an object that could alone secure public and private liberty, and for which almost any temporary

sacrifice ought to be reckoned inconsiderable. Such were the first proceedings of the mongrel parliament. But Charles, not content with the taxes which even it imposed, issued orders, under the penalty of fire and sword, to the inhabitants of Oxfordshire, and the neighbouring counties, to bring in their corn, hay, &c. for which, indeed, he professed his purpose to pay at moderate rates. His parliament adjourned itself during the summer; and we shall give some accounts of its after proceedings in their place *.

Charles had hitherto been disappointed in his expectations of great assistance from France; but, on the death of Louis XIII. he flattered himself with the prospect of more friendly counsels. To his mortification, however, Mazarine only sent the Count Harcourt to propose a mediation between him and his parliament—which of course ended in nothing †.

The arrival and fate of the English-Irish [illegible] ment[illegible]

In November 1643, some of the English regiments which had been raised for the service of Ireland, were brought by Charles to England, and were afterwards joined by more; but, though the officers were sufficiently disposed towards the service, the privates were inclined to mutiny against what they conceived to be treason to their religion and country. The officers entertained the most profound contempt for the parliamentary troops, and their first success seemed to justify their presumption;

* Rush. ib. Clar. ib.

† Clar. vol. iii. p. 398, *et seq.* State Papers. vol. ii. p. 157, *et seq.* Appendix to Evelyn's Mem. p. 263. *et seq.*

but Sir Thomas Fairfax soon convinced them of their error. Having landed at Moystyne, in North Wales, and been put under the command of Lord Byron, lately Sir John Byron, they took Wawarden Castle, then Beeston Castle, which was so disgracefully surrendered that the governor was executed for cowardice: Northwich, Crew-house, Dedington-house, and lastly, Acton-church, yielded to them, leaving no place in Cheshire or the neighbourhood in possession of the opposite party except Nantwich; and this town was laid seige to in the depth of winter. Alarmed for so important a place, parliament ordered Sir Thomas Fairfax, in the month of January, when his horse had been greatly injured by the preceding campaign, the foot also much harassed, and the roads very deep, to undertake its relief. The spirit of this gallant commander was instantly infused into his troops, and he led them on to victory. Byron had divided his army, and placed it on opposite sides of the river, but Fairfax in vain attempted to attack one part before the other joined it; for his own artillery was not come up, and the junction was effected before he was prepared for action. The battle was sharp, but of short duration. Byron's forces gave way on all sides, and a great part having retreated to Acton-church, "were caught as in a trap." Two hundred only of the vanquished were slain; but a great number of officers, and fifteen hundred common soldiers were taken prisoners: The victors also took the whole of the enemy's ordnance, and twenty-two pairs of

colours: a hundred and twenty women, who, armed with long knives, are reported to have done mischief, also fell into their hands. Amongst the prisoners was the famous Colonel George Monk, who was sent to London, and, after a short interval, joined the parliament party. This victory was gained with the loss of fifty men; and thus, in a great measure, was dissipated that army on which Charles had so much relied, for a great portion abhorring the service, joined the parliament *

Still resolved upon putting into execution his project of introducing the native Irish, the king granted fresh powers to Antrim to seduce Monro, whose army alone, as it was well observed, prevented the Irish from being poured in endless succession upon the western coast †. But Monro was incorruptible, and the native troops which were introduced into England were as unsuccessful as the army which had been raised to reduce and chastise them. As these gave no quarter, but continued that detestable mode of warfare to which they had been accustomed in their rebellion, parliament most properly passed an ordinance against giving them quarter ‡.

* Whitelocke, p. 81. Rush. vol. v. p. 299, *et seq.* Carte's Let. vol. i. p. 29. *et seq.* Clar. vol. iii. p. 456, *et seq.* Clarendon is wrong in supposing that Fairfax began the attack before both the enemy's divisions were united. Fairfax hoped to have done so, but was disappointed. See his own dispatch. Sir Robert Byron, in a letter to the Marquis of Ormonde, says, that the enclosures prevented the royalist horse from assisting the foot.

† Baillie's Let. vol. i. p. 395. Clar. Papers, vol. ii. p. 165. *et seq.*

‡ Rush. vol. v. p. 783. Mr. Hume says, that Prince Rupert, by making some reprisals, soon repressed this inhumanity; but surely if Rupert were justified in making reprisals, the opposite party were, in

In the same month of January, 1644, the Scottish army, consisting of 17,000 foot and 3000 horse, entered England. The roads were excessively deep, and this brave army wanted those improvements in travelling which render a modern campaign so comparatively easy. The men often marched knee-deep in the snow, and the subsequent thaw rendered their march still more dreadful. Frequently were they obliged to repose in the fields, while the precautions of the enemy reduced them to great straits for subsistence. Having reached Newcastle, they summoned it to surrender in the name of the committee of both kingdoms; but the spirit of the governor and garrison convinced them that it would only be won with difficulty. Their situation was now critical. The Marquis of Newcastle, strengthened with forces from Durham, and twelve troops of horse from Yorkshire, watched their motions with an army of 14,000; and having shewn a disposition to fight, which the nature of the ground prevented the Scots, who in two skirmishes were successful, from meeting with action, retired upon Durham-house with a view of straitening their quarters, when he carried and drove almost every thing moveable before him. Five vessels had been sent from Scotland with provisions; but three of them had been wrecked, and the other two, having been

Entrance of the Scots.

ordaining that no quarter should be given to a body of men that allowed none. The fact is, that the ordinance was invariably acted upon, and that Rupert's denial of quarter occurred some months anterior to it.

driven by stress of weather into Sunderland, fell into the enemy's hands. The army was therefore reduced to such a condition, that it was frequently without the necessaries of life, and never had more than a supply for twenty-four hours at a time. In the neighbourhood of Newcastle, however, they might procure provisions for themselves; but they wanted forage for the horses: By advancing they secured the latter, but exposed themselves to the want of the former: By sending forward their horse, while they detained the foot, they would have hazarded the ruin of the army; since the marquis could encounter the foot with all his forces, and then return against the latter. It was prudently determined on, therefore, to march forward, in the face of all difficulties, into the heart of England, leaving the town of Newcastle in the possession of the enemy. A fresh victory of Sir Thomas Fairfax brought them unexpected relief*.

The parliament conceiving, that while the marquis watched the motions of the Scottish army, now was the time to reduce the whole of Yorkshire, sent orders to Lord Fairfax, and his son Sir Thomas, to seize the opportunity. The latter having received the orders, left the prosecution of the siege of Latham-house, in which he was then engaged, to his brother Sir William, Colonel Ashton, Rigby, and others, and hastened to join his father. Colonel Bellasis, who had been deputed by the

* Rush. vol. v. p. 603, *et seq.* Baillie's Letters.

Marquis of Newcastle to the command in Yorkshire during his own absence, and who had been very active, erroneously conceiving that he might prevent the junction of the Fairfaxes, encountered their united forces at Selby, and was totally defeated: himself and many other officers, with 1500 common soldiers, were taken, besides all their ordnance, arms, and baggage. Vessels and boats upon the river, belonging to the adverse party, also fell into the hands of the conquerors. The marquis now perceived himself in danger of being inclosed between the two armies—that of the Fairfaxes on the south, and of the Scots on the north, and having drawn some additional forces from Newcastle and Lumley-castle, hastily retreated into York, whither he was quickly followed *.

Fairfax joined the Scottish army at Tadcaster on the 20th of April, and marched directly to York. But their united forces were insufficient to beleaguer that city. For the marquis having between four and five thousand horse, with the command of the bridge, could easily meet the assailants at any part. If again they divided their forces, and occupied the opposite sides, then he could attack either division with all his army, and probably destroy it before the other could possibly come to its assistance; and afterwards direct all his force against the other. It was therefore deemed necessary to summon the Earl of Manchester out of the associated counties to their assistance; and, Siege of York.

* Rush. vol. v. p. 618, *et seq.*

before proceeding farther, we shall give a succint account of his army and its proceedings *.

In the preceding year, Manchester had undertaken to the parliament to raise an army out of the associated counties of Essex, Suffolk, Norfolk, Hertford, Cambridge, Huntingdon, and Lincoln, with the Isle of Ely, in order to co-operate with the forces under Cromwell. The earl appointed that intrepid and able commander his lieutenant-general, and, in a short time, found himself at the head of fourteen thousand men. For the regular support of this new army, after it had performed some gallant feats, the parliament passed an ordinance for assessments in the associated counties; and it was soon put into an excellent condition. On the third of May it sat down before Lincoln, and immediately took the lower part of the city. The beseiged retreated to the minster and the castle, on the top of an eminence; and, on the 6th, a fall of rain having retarded operations, Manchester carried these by storm, when the governor and officers, with 700 private foot, and 100 horse, were taken prisoners, besides the arms and eight pieces of ordnance. What enhanced the victory was its being gained with the loss of only eight men. After this he made a disposition to watch the motions of Sir Charles Lucas, whom the Marquis of Newcastle had sent with a large body of horse to forage in the neighbourhood, and then joined the united army at York. But part of the parliamentary army

* Rush. vol. v. p. 620.

had also been sent to Lancashire under Sir John Meldrum, and there had been great loss during the siege *.

Charles regarded York as so important a place, that he conceived the loss of it to be almost equivalent to the loss of his crown, and he commanded Rupert to march to its relief, and endeavour to beat the rebel army of both kingdoms as the only prospect which the monarch had to spin out time till Rupert himself should come to his assistance †. Rupert had lately performed some great exploits. He had relieved Newark with great loss to the opposite party; and having then marched into Shropshire, had taken the garrison of Longford, near Newport. He next proceeded to the relief of Latham-house, where the Countess of Derby, during a close seige, had made a noble defence. In his route, however, he carried Stopworth, in Cheshire, on the banks of the Mersey, with the cannon, and ammunition, and some hundred prisoners. The parliamentary party before Latham-house, on the approach of so superior a force, retreated to Bolton; but Rupert having followed them, carried that town also in spite of a gallant defence. The

* Rush. vol. v. p. 691, *et seq.*

† See the king's letter to him in the Append. to Evelyn's Mem. p. 86, *et seq.* This letter is extremely valuable, as it forms a powerful vindication for Rupert, and it is a proof how memoirs are got up; that in those of the house of Somerville, it is said, that Essex's army had been ruined in the south, so that Rupert had no motive for fighting; whereas the ruin of Essex's army occurred on the first of September following. Clarendon pretends that the letter, which he alludes to, could not bear that construction. But I cannot conceive that there is room for doubt on the subject. Vol. iv. p. 505, 506.

glory of the victory, however, was tarnished by his cruelty. He refused quarter to 1200, whom he put to the sword. Liverpool was also taken by him; but the ordnance, ammunition, and goods, had prudently been conveyed away by the governor, who foresaw that the defence of the place was impracticable. The inhabitants suffered under the vengeance of an infuriated soldiery for the prudent act of the governor. It was when he had performed these exploits that he received the orders of Charles to march to the relief of York, and to fight the united army. Rupert, therefore, having gathered all the forces he could in his march, and being joined by Sir Charles Lucas, and Newcastle's horse, proceeded towards York at the head of nearly 20,000 men *.

Before the approach of Rupert, the Marquis of Newcastle had been reduced to the greatest straits, and had tried the stratagem of negociation to spin out time till relief arrived. On the 1st of July the prince appeared with his large force; and the united army, expecting that he would approach by the south-west side of the river, retreated to Marston Moor, with the hope of obliging him to fight; but he dextrously effected his object by a different route. The situation of his army, and of the besieged, was however wretched. His forces, suddenly raised, depended for subsistence on the sword, and would be ready to desert on any reverse or want, while they would necessarily, by

* Rush. vol. v. p. 625. *et seq.*

a long continuance in any quarter, have raised the country against them. The troops in the city were so mutinous for want of pay, that they could scarcely be prevailed upon to join in an engagement. The generals of the united army, on the other hand, had resolved to march to Tadcaster, Cawood, and Selby, with the view not only of making themselves master of the river, but of cutting off all supplies out of the East-Riding, and obstructing his march southwards, while the Earl of Denbigh, with the Lancashire forces, was rapidly advancing from the west, whence they had pursued him by the route he came, and thus rendered retreat very hazardous. Three thousand additional forces were indeed expected by the marquis from the north; but the earl, with the Lancashire forces, which were far more numerous, also hastened forward to join the adverse party. In these circumstances, Rupert had every motive, besides the positive command of the king, to hazard a battle. His army was at least equal, and, flushed with success, were in high spirits for battle, which a short delay would, from the scarcity of provisions, have dejected. If he prevailed, and had it not been for the great exertions of Cromwell, who in reality saved the allied army, such would in all probability have been the fact—the most formidable force which Charles had to encounter was overthrown, and then Rupert hoped to have marched with a victorious army to join the monarch, when it might reasonably be expected that all opposition would be overborne. It may

well be questioned, too, whether he could have avoided an engagement. For he required to move for provisions, and could not have stirred without fighting. But the loser is ever censured; and a defeated party, while they indulged themselves in reflections upon his misconduct, endeavoured to ease their anguish in reproach, and by persuading themselves that the issue ought to have been different. It is said that the Marquis of Newcastle used every argument to dissuade him from hazarding an engagement, alleging that he should be contented with having effected his grand object of relieving York; that he understood such dissension had broken out amongst the generals of the adverse party, that they had formed the resolution of separating; and that then, when besides reinforced with the additional troops expected, he must destroy each party individually. But from the contradictions in the accounts of this matter, there is reason to believe that the marquis, or his friends for him, was, like many others, wise after the event; and as the loss of the battle was imputed to himself, he had a motive for exerting himself to invent an apology. There seems no reason for supposing that the combined army meant to split; and the dissension, which was chiefly directed against Cromwell, arose after the battle: while, if we may credit Clarendon, no personal communication took place between Rupert and Newcastle. It may be added that, even assuming the fact of the marquis's advice, it is manifest that it is impossible he should have had intelligence which

could have justified any reasonable man for acting upon it *.

On the 2d of July, the combined army began its march to Tadcaster, the Scots leading the van, when news arrived that Rupert pressed upon the rear with 5000 horse, and was drawing up the rest of his troops. The march was immediately countermanded, and preparations made for battle. The numbers of the respective armies in the field were nearly equal, each being about 25,000. Of the royal army, Rupert commanded the right wing; and, though accounts are contradictory, it appears that Newcastle commanded the left; but that the arduous part of his duty devolved upon Sir Charles Lucas and Colonel Hurry. It is uncertain who commanded the centre. On the opposite side, Sir Thomas Fairfax commanded the right wing, consisting of eighty troops of horse, being partly his own, and partly Scottish. The left wing, which consisted of seventy troops, being the whole of Manchester's cavalry, and part of the Scottish, was commanded by that nobleman and his lieutenant-general, Cromwell, assisted by the Scottish lieutenant-general, David Leslie. The centre was commanded by Lord Fairfax on the right, and the Earl of Leven on the left. As Rupert's line extended farther than theirs, they placed the Scottish dragoons on the left, under Colonel Frizzle, to secure their flank. The prince's word was

Battle of Marston-moor.

* Carte's Let. vol. i. p. 57-8.

"God and the King;" the opposite party's, "God with us."

About three o'clock in the afternoon, the ordnance on both sides began to play, but with very inconsiderable execution. At five, all was ready for a general action, and a deep silence ensued, each party expecting from the other the attack, which an intervening ditch and bank rendered hazardous. Though within musket shot, however, the hostile armies faced each other without moving, for about two hours—no proof of that headstrong impetuosity ascribed to Rupert—and it was generally believed throughout the ranks of the respective parties, that there would be no battle that night. But at seven o'clock the parliamentary generals determined on the attack, and the signal being given, Manchester's foot, with part of the main-body of the Scots, advanced in a running march, and having soon passed the ditch, charged vigorously. The horse also charged, and the attack began likewise on the opposite wing. The first division of Rupert's horse, headed by himself, charged three hundred of Cromwell's with that intrepid leader at their head; and as the prince had brought his bravest troops to this quarter, and attacked both in front and flank, the combat was for some time desperate, the respective parties slashing at each other with their swords; but Cromwell's band, ever irresistible, at length broke through, and having been ably supported by Leslie, the whole cavalry in that wing was borne down. The victors continued the chace beyond the

left wing of the vanquished. Manchester's charge with his foot was equally successful against the infantry, amongst which was Newcastle's own regiment, who, disdaining to fly, were cut down in the order that they had been first formed in: the remainder fled towards York. In the other wing, the fortune of the first shock was reversed. Sir Thomas Fairfax, and Colonel Lambert, at the head of five or six troops, charged the horse opposite, and breaking through, went to their own left wing; but Hurry then charging with his reserve, so furiously assailed Lord Fairfax's brigade, which was annoyed by raw levies that were put to flight and thrown back upon their body, that the right wing was routed with part of the main body, including the Scots, and fled towards Tadcaster, giving out that all was lost: as however the conquerors were ready to seize the carriages, Cromwell with his horse, and Manchester with his foot, having returned from the pursuit of the prince's right, and perceived the condition of their friends, advanced to a second charge. Both sides were surprised to find that they must fight the battle over again, for a victory of which each thought himself assured. The face of the field was now counterchanged, the royalists occupying exactly the ground which their adversaries had done, and the parliamentary party that of the royalists. The second encounter was desperate, but short. Before ten o'clock the parliamentary forces had cleared the field, and not only secured their own artillery, but taken the whole train of Rupert. The victors followed up

the pursuit till within a mile of York. In killed, the king lost between three and four thousand, and in prisoners four generals, and nearly a hundred other officers, with fifteen hundred common soldiers. The opposite party would not acknowledge the loss of more than three hundred. Twenty-five pieces of ordnance, a hundred and twenty barrels of powder, and ten thousand stand of arms, with a hundred pairs of colours, and Newcastle's cabinet, fell into the hands of the conquerors *.

* Rush. vol. v. p. 631, *et seq.* Whitelocke, p. 93, 94. Clar. vol. iv. p. 509. This writer pretends, as if he could have the means of knowing, that the parliamentary generals were in such a state of dissension, that the Scots talked of marching home, and all had agreed to separate. But this is just the way he ever talks on any disaster. The parliamentary writers, and the private correspondence, &c. do not warrant us in reposing the slightest faith in the statement, which is refuted by the dispositions which had been determined on. Clarendon, too, assumes that the parliamentary army was more numerous, which is a mistake. The author of the memoirs of the Somervilles says, that the united army would have been obliged to separate for want of provisions, whereas the case was just reversed, vol. ii. p. 345, *et seq.* Baillie's Letters, vol. ii. p. 29, 33, 35, 36. "There were three generals on each side," says this writer, "Lesley," (Earl of Leven), "Fairfax and Manchester; Rupert, Newcastle, and King. Within half an hour and less they all took to their heels." But this is a mistake as to Manchester. The following picture of the battle by Mr Trevor to Ormonde, is, in my opinion, though artless, admirable. Carte's Letters vol. i. p. 56, *et seq.*

"To give your Excellence the short account I shall at present make to you, I could not meet the prince until after the battle was joined, and in the fire, smoke, and confusion of that day. I knew not for my soul whither to incline. The runaways, on both sides, were so many, so breathless, so speechless, so full of fears, that I should not have taken them for men, but by their

Great as was the loss on the royal side at Marston-moor, it is possible that had the issue just been reversed, Fairfax and Cromwell would not have permitted Rupert to derive all the advantages which redounded to them, and which he expected, and would doubtless have obtained, against inferior leaders. They would have instantly rallied their broken troops, and retreating upon their resources in the associated counties, if they did not even renew the contest on the same ground, would have been soon prepared, in conjunction with the Lancashire forces, to try the fortune of another battle, after they had straitened Rupert's army, and thus perhaps deeply injured it by desertion. At all events, they would have effectually opposed his march to the south. But the other, though he expected a reinforcement, was not even,

motion, which still served them very well; not a man of them being able to give [redacted] the least hope where the prince was to be found, both armies being mingled, both horse and foot, no side keeping their own posts.—In this terrible distraction did I scour the country; here meeting with a shoal of Scots, crying out, Wae's us, we're a' undone; and so full of lamentation and mourning, as if their day of doom had overtaken them, and from which they knew not whither to fly: and anon I met with a ragged troop reduced to four and the cornet; by and by with a little foot officer without a hat, band, or indeed any thing but feet, and so much tongue as would serve to inquire the way to the next garrisons, which, to say truth, were well filled with straggleers on both sides within a few hours, though they lay distant from the place of fight twenty or thirty miles."—Clarendon himself informs us that Sir Thomas Fairfax and Cromwell could always rally their troops though broken; but the generalship of the other commanders on both sides must have been very bad.

supposing that he had had the mental aptitude, in a condition to keep the field. His army, suddenly raised, was dispirited by such a reverse. It had hitherto depended upon the sword for subsistence; and as supplies were cut off in consequence of the posts occupied by the parliamentary troops, it must have soon been reduced to extremities, which a great portion would not have remained to meet. Newcastle's troops in York too, who were in a raging mutiny for want of pay, could never be expected to take the field after the difficulty with which part of them had been drawn out to Marston-moor. It was therefore prudently resolved upon by Rupert to retreat, so long as it was practicable; and, from the approach of the Lancashire forces, we must conclude that he evinced good generalship in carrying off so great a portion of his army. But the unfortunate must bear reproach; and such writers as Clarendon, who measured events by their own presumptuous hopes, undervaluing every difficulty in the way of their own aggrandizement, as if conquest were as easy as words, have severely visited upon the memory of Rupert the contempt with which he treated them as counsellors, while their successors have rung changes upon the same dull tale *.

Character of the Marquis of Newcastle.

The conduct of the Marquis of Newcastle is not so defensible. Instead of endeavouring to lessen the misfortune to his master, nay to surmount it, he instantly left the kingdom. It is said that he

* See last references.

was disgusted with the rashness of Rupert in persisting to fight; but it would be a poor apology for a subordinate commander's abandoning his master, that he had differed in opinion with his superior in regard to an action which had proved disastrous; and this nobleman is confessed to have been utterly unqualified for the substantial duties of a general. Full of the distinguished place he held in society, "he loved monarchy, as it was the foundation of his own greatness; and the church, as it was well constituted for the splendour and security of the crown; and religion, as it cherished and maintained that order and obedience that were necessary to both, without any other passion for the particular opinions which were grown up in it, and distinguished it into parties, than as he detested whatsoever was like to disturb the public peace." His estate and influence in the district enabled him to collect an army; but though "he liked," to borrow the language of Clarendon, "the pomp and absolute authority of a general well, and preserved the dignity of it to the full, and for the discharge of the outward state and circumstances of it, in acts of courtesy, affability, bounty, and generosity, he abounded, which in the infancy of a war became him, and made him for some time very acceptable to men of all conditions,—the substantial part and fatigue of a general he did not in any degree understand, being utterly unacquainted with war, nor would submit to it, but referred all matters of that nature to the discretion of his lieutenant-general, King." His

generosity may be questioned from the plunder he allowed: but it affords a striking proof of the opinion entertained of his character, though the obstacles which intervened vindicate him from the individual charge, that he is accused by the noble historian of not having availed himself of former opportunities to march south, "lest he should be eclipsed by the court, and overshadowed by Prince Rupert." Effeminate in his habits, though brave in action, he frequently, at critical junctures, unless when a battle was expected, and then he behaved with proper spirit in his own person, shut himself up for two days at a time, denying access even to his lieutenant-general, that he might indulge his inordinate taste for music, "or his softer pleasures *." Such a mind shrunk from difficulties, and when he perceived that the pomp of generalship must be worn at a vast expence of toil; and beheld that army, which he had stept out of himself to render so complete, in a great measure destroyed, for the loss fell heavily upon it, he naturally longed for the aristocratic indolence he formerly enjoyed; and having no mental resources to bear up against present calamity, he saw his master's affairs through the medium of those feelings which render difficulties so appaling to the inactive. The aspiring hopes with which he had espoused the quarrel were now blasted, since he never could expect to recover the proud situation that he had held in the preceding

* Clar. vol. v. p. 407, *et seq.*

year: reproaches, which must have been mortifying to such a disposition, and from such a quarter, were flung upon him by Rupert, as having occasioned the loss of the battle; and while he could now scarcely look for farther honours or rewards from the crown, he might justly conceive that his abandonment of the cause, and retreat from the kingdom, under the pretext of a misunderstanding with Rupert, would serve him in any subsequent accommodation between the king and the parliament, as the latter would not be displeased with a rupture that bespoke the odiousness of the prince's temper, and might forget past miscarriages in more recent events *.

The consequences of the battle of Marston-moor were not confined merely to the contest between the king and the parliament, but powerfully extended to the parties associated with the latter; and as it raised Cromwell, who was the main instrument in obtaining the victory, as well as the party with which he acted, to the highest influ-

* We have already said, that Newcastle levied a great number of Catholics with the king's knowledge, though Charles, with the most solemn oaths, denied the fact: The following letter, which I omitted in its place, therefore, will serve to convey a picture of that monarch's principles: "Newcastle, this is to tell you, that this rebellion is grown to that height, that I must not locke what opinion men ar who, at this tyme, ar willing to serve me, Therefore, I doe not only permit, but command you, to make use of all my loving subjects, without examining their conciences, (more than their loyalty to me,) as you shall fynde most to conduce to the upholdding of my just regal rights." Shrewsbury, 23d Sept. 1642, MSS. Brit. Mus. Aysc. 4161, No. 67 vol. 69. See other Letters in same volume.

ence, it will here be necessary to present an account and character of both.

Character of Cromwell.

The stories which have been so industriously circulated about the birth, and, more particularly, about the early life of, Cromwell, were invented chiefly after his death, and were the production of men whose interested, pitiful, malice supplied the place of talent. The most nauseous part of the picture has obtained no sanction from such writers as Clarendon, who would not have lost so fair an opportunity to revile his memory, and exaggerate his faults, had they not been sensible that, as the stories were groundless, they could not venture upon a repetition of them without forfeiting all character for sincerity. The disgusting task was left to scribblers who had no characters to lose, but whose endless malice could implant the sting which their want of literary merit would have prevented men of high minds from extracting, had they dared, or, from political motives, been willing to undertake it; for to answer the calumnies of little, despicable, minds, is to own them worthy of notice: as the intelligent, candid, portion of the community, are superior to contamination, it is only party rancour, which always burns fiercest in the breasts of the retainers of a faction, that encourages the noxious race of slanderers, and wise men console themselves that the tale will not outlive the short day of its authors. But, in the case of Cromwell, matters have been reversed: stories which received little credit in their own age, however sedulously circulated, have been revived with

avidity; and the very contempt which passed them over, has served to recommend them as unanswered facts. The courtiers could not see depicted in sufficiently disgusting colours, the man who had so signally triumphed over them as a party, and devoted so many of their number to destruction,—whom they had felt that they could only expect to overturn, and thus recover their own loss, by rendering odious, and the influence of whose character they dreaded after the restoration. Had the fame of his exploits been less, they would not perhaps have been so much disposed to persecute his memory. The royal family were naturally gratified with anecdotes that blackened the character of their inveterate and powerful enemy—whom they abhorred as the murderer of a king and their father; while for a season none durst, and few were inclined to stand forward the advocate of his memory, whose very bones were dug from their tomb, to be exposed upon a gibbet, and buried with ignominy under the gallows. A party in parliament, who having from their rank acquired influence at the outset, expected to transfer the power of the throne to themselves, could not forgive the ascendancy by which he reaped the benefit of their labours. The Presbyterians, whose hopes he frustrated, and whom he crushed by his arms, were not less inclined to listen to the slanderous tale, while the republicans, whom he overreached and deserted, were not interested to vindicate him from aspersion. Another party, who admired his exploits, were not

unwilling to believe that he was as remarkable for failings which sank him beneath their own level, as for talents which raised him so far above it. Yet calumny was harmless near his own time, and rather cherished by his rancorous enemies as food for their malice than seriously believed. But the political effects of his career did not perish with him, and later writers have collected all the filth vented against his early life, his hypocrisy, and other supposed vices, to render detestable the opposer of a king, while they have exaggerated his good qualities and talents to render respectable the dominion of an individual. Hence he has been represented as of obscure birth and mean circumstances; of a character so rough, boisterous, and untractable, that he resisted ordinary instruction, and, in his youth, delighted only in the grossest debauchery, in haunting taverns and brothels with bullies and roisters, till he had wasted the greatest part of his small inheritance, when, by a sudden transition, he assumed the manners of a saint, and having now attempted to gain a livelihood by agriculture, lost the remainder of his fortune, by spending with his servants in fanatical prayers that portion of the day which ought to have been devoted to business. He thus, it is said, entered into the long parliament a man of broken fortune, to whom every change was acceptable. But for all this there seems to have been no foundation *.

* [redacted]ides of his profligacy is supposed to be confirmed by a letter to Mr. St. John, in which he pronounces himself to have been a

Oliver was descended of an ancient, and highly respectable, family. There is even reason to believe that he was, on the maternal side, allied to the royal house of Stuart itself. His father being a second son of Sir Henry Cromwell, the inheritance was probably not large, yet was it sufficient to enable the family to associate, and connect themselves with, the first gentry in the country. As only son, he succeeded his father. To lower the idea of Oliver's birth, it has been alleged that his father conducted a large brewery to augment his income from his estate; and that his mother, a woman of

sinner, the chief of sinners; but the whole letter is in a strain of enthusiastic piety and self-mortification, and really proves nothing, as every one must be satisfied who looks into religious letters, &c. The morally depraved, who suddenly turn saints, look upon their moral delinquencies as scarcely dust in the balance weighed with their estrangement from religious duty. It has been well observed, too, that even the confession in the litany contains the amplest acknowledgments of sin, and that Cromwell wrote in the same spirit. But the following, from the last speech of Sir Henry Vane the younger, will set the matter in the strongest light. "I might tell you," says he to the spectators of his execution, "I was born a gentleman, had the education, temper, and spirit of a gentleman, as well as others, being, in my youthful days, inclined to the vanities of this world, and to that which they call good fellowship, judging it to be the only way to accomplish a gentleman." (From this, one would instantly conclude, that he had been a dissipated debauchee, but mark the sequel.) "But, *about the fourteenth or fifteenth year* of my age, which is about thirty-four or five years since, God was pleased to lay the foundation or ground-work of repentance in me, for the bringing me home to himself, by his wonderful, rich, and free grace, &c. When my conscience was thus awakened, I found my former course to be disloyalty to God, profaneness, and a way of sin and death, which I did with tears and bitterness bewail, as I had cause to do." State Trials, vol. vi. p. 194.

high descent, and singular prudence and good sense, after the demise of her husband, continued the business, in order to enable her to give portions to her daughters, as well as to conduct the education of all her children, whom she spared no pains to adorn with the accomplishments of their age. Though this story, which gave rise to the ridiculous stigma of the brewer, were true, and it is not sufficiently authenticated, it would prove little as to the father's rank, while it is to be hoped that Oliver had too much good sense to feel as a reproach what in reality reflected credit upon his excellent mother, whose maternal solicitude he remembered with gratitude, and returned with affection, to his latest breath. The father, represented Huntingdon in the 35th of Elizabeth, and was appointed a commissioner in 1605, for draining the fens in the counties of Northampton, Lincoln, Huntingdon, and Cambridge,—facts which, with his marriage, sufficiently establish that he had preserved the station to which his descent entitled him.

Oliver was born on the 25th of April 1599, and was early put under the tuition of a very learned and respectable clergyman, Dr. Board. At the age of seventeen, he was sent by his father to Cambridge *as a Fellow Commoner*. In the following year he lost his father, and it is impossible to ascertain how long he continued at the university; but there is no reason to believe that he left it before the usual time; for all these stories about his having been expelled, according to some, after

one year's residence there, and to others, after two, stories similar to those by which the great Milton was himself so groundlessly defamed, were of late invention, and rest upon no authority. If he continued the usual time, he must, as he became a husband at twenty-one, have married almost immediately after his return to the country. And here we may put the stories of his early debauchery to the test. The chief scene of them is laid in the inns of court, which it is alleged he entered at the age of seventeen, after he left the university, and remained in for three years,—a prodigy of impiety, and every species of profligacy; whereas he, at that period of his life, only went to the university, and it is now ascertained, beyond doubt, that he never was a member of any of the inns of court. Nor, though he could not bear a comparison in that respect, with Selden, Hampden, &c., can he be supposed to have studied with small success under Dr. Beard, and at the university, who could perfectly understand the Latin tongue when spoken, and even converse, though inelegantly, in that language himself. A good knowledge of ancient history, as well as modern, he is admitted by the most unquestionable authority to have possessed: His library afterwards was choice, and his encouragement of learned men notorious.

On the 22d of August, 1620, when he had little more than completed his twenty-first year, he married the daughter of Sir James Bouchier of Fitsted, in Essex, which of itself affords a presumption against the idea, either of the extreme smallness

of his fortune, or of his having impaired it. After his marriage it is not denied that he proved a steady head of a family, as well as a faithful and affectionate husband. But the certainty of his station in society does not rest on such circumstances. He was always intimate, not only with his relations, the Hampdens, the St. Johns, the Massams, &c. but with other leading families; and, in the third parliament of Charles, he served as member for Huntingdon,—a fact of itself perfectly conclusive, since it was estimated that the lower house then contained three times the wealth of the upper, and it is quite ridiculous to suppose that he ever could have been sent there, had he been the individual of broken fortune and character that he has been represented. There is also proof on record that, though opposed on principle to the government, he was, during the long interval of parliaments, still treated by it with the respect due to station and becoming conduct. His importance too rose so high during that period, that Cambridge returned him as its member to the long parliament. The origin of the imputation of having squandered his inheritance, may be traced to his having disposed of a detached part, to pay off portions allotted to his sisters. But he acquired additional lands elsewhere, particularly through his uncle, Sir Thomas Steward, who appointed him his heir. The affairs of that man could not be embarrassed who, before the commencement of the civil war, subscribed L.500 towards reducing Ireland, and L.500 for the service of the commonwealth. Great

must his ascendancy have been in society, who, at the outset of the present contest, could raise a thousand horse and dragoons, composed of freeholders, and freeholders' sons.

Cromwell, though well versed in ancient and modern history, was not qualified as a statesman to speculate profoundly upon human affairs, nor to predict the distant consequences of passing events; but he possessed a ready perspicacious judgment, with a perfect confidence in his powers, a knowledge of character almost intuitive, and a capacity of the first order for the practical business of life, heightened by an enthusiastic ardour that roused up all the energies of his mind with concentrated force upon any emergency. Thus he saw conjunctures in their native simplicity, and judged with an original rectitude and clearness as to what was to be instantly transacted, far beyond what was attainable by such as brought pre-conceived opinions and dull generalities to the aid of their understandings. Bending all his resources to the accomplishment of his immediate object, undismayed either by present fears or the dread of distant, problematical, consequences; and, latterly at least, seldom starting at a sacrifice of principle, which might have appalled a better head, as well as a better heart, he had ever the prompt decision which is of such importance in life.

His speech, corresponding with the general structure of his mind, was characteristic, and soon removed any unfavourable impression made by the untuneableness of his voice, and ungracefulness of

his manner. Having a clear, practical, as well as fervent conception of the subject under debate, and being neither entangled with theoretical inferences, nor studious of embellishment, he struck home with a vehement, blunt, common sense appeal, which reached every bosom interested in the question. Men listened with avidity to a speaker who seemed to despise, as out of place, any thing like an attempt at eloquence, when the very existence of the commonwealth was in danger,—whose fervour announced sincerity, and whose practical wisdom, echoed by every breast, produced an effect denied to the more refined speculations and polished harangues of others. His fame as a soldier procured him greater respect in parliament, as his influence there promoted him as a military leader; but his frequent appointments to committees before the civil war, sufficiently proves that he had attained a character in the house anterior to his exploits in the field. What has been said of his speech relates to occasions when he wished to be understood. When he descended to cant, we do indeed look in vain for a glimmering of common sense.

He wrote without grace or even adherence to the rules of construction; but he expressed himself succinctly and intelligibly; and his handwriting, (I have seen some of his letters,) was characteristic, and perfectly that of a gentleman *.

* There are some of his letters at Oxford, and they who have only seen his signature cannot judge of his handwriting. I believe many will think the mention of handwriting beneath the dignity of history; but others, who trace character even in it, will be of a different opinion.

Conscious of his aptitude for war, he was one of the first to take up arms, and almost immediately distinguished himself. As opportunities opened for him, he threw into the shade all the old soldiers who had acquired renown abroad. He lived with the members of his own regiment, who entered the service out of conscience, with the familiarity of a companion; and yet, such was the superiority of his mind, without ever forfeiting the respect due to him as commander. He had thus ever the best intelligence, and was obeyed from love, not fear. It is singular, too, that though always remarkably fond of broad humour, which, however, appears to have been in a measure characteristic of Englishmen, from the throne downwards, till the restoration introduced French licentiousness with Gallic refinement,—and though he allowed full scope to his vein, he never lowered himself in the estimation of those even immediately around him. When the occasion demanded dignity, none could assume it more gracefully *.

* Noble's Mems. of the Protectorate House of Cromwell. Cromwell's Mem. ch. viii. Whitelocke, p. 116, 117. 384. 627, *et seq.* Harris's Life of him. Clar. vol. ii. p. 648. Warwicke's Mem. p. 247. See also Hutchinson, Ludlow, Hodson: Waller's Life prefixed to his Poems, and Thurlow's State Papers, vol. i. p. 766.

Mr. Hume's account of Cromwell is, like almost every character he draws, and transaction he relates, utterly erroneous. He takes up the idea of his extreme dissipation, &c. and then says, "all of a sudden, the spirit of reformation seized him; he married, affected a grave and composed behaviour, entered into all the zeal and vigour of the puritanical party, and offered to restore to every one whatever sums he had formerly gained by gaming." Now, really one might suppose, that as Oliver was sent to the university at seventeen, and married at

Having given the character of Cromwell, it will now be necessary to present an account of the Independents.

twenty-one, when, according to this account, the spirit of reformation had already seized him, he had no great leisure for such a course of intemperance, and surely, even supposing that he had been guilty of excesses, he might have been forgiven, considering that he became so very different a man at an age when youth, the height of passion, and inexperience are admitted as an apology for so many. He, who at such years becomes master of his passions after having given rein to folly and licentiousness, obtains an infinitely greater conquest over himself than those who never went astray. But, as we have said, this merit is not due to Cromwell, as the stories are unfounded, and of the same description with those of his having quarrelled with the king at four years old, which laid the foundation of his future enmity; of his having been warned in a dream of his future exaltation, &c. &c. There is only one instance ever referred to of his having repaid what he had gained by gaming, and that is of his having returned thirty pounds, as he conceived he could not conscientiously keep money so obtained; but, if true, it would redound to his credit, without pre-supposing that he had been addicted to the vice, and even at the worst, it surely must be admitted to be a noble principle to retrieve errors in this way. The single instance, however, is not sufficiently authenticated. Mr. Hume, according to the vulgar accounts fabricated after the restoration, says, that his house was the resort of all the zealots; but, how he applied the term zealot, has been already seen, and it is extraordinary, that during the disuse of parliaments, Cromwell appears to have attended the established church, and to have been on fair terms with the clergy in his neighbourhood, though he appears to have endeavoured to protect those who were persecuted for non-conformity, by applying frequently at one time to the Bishop of Lincoln in their behalf. The same writer also repeats the stories, equally groundless, of his ruined affairs, &c. and, upon the same authorities, states that he was chosen for Cambridge by accident and intrigue. The first has been already spoken to; and the true answer to the last is, that not only was his election never called in question, but that an insinuation on that head was never, during his life, thrown out against him. He had made himself very useful to Cambridge by opposing the Earl of Bedford in draining the Fens; and, from his connections with the Hampdens, St. Johns, Mashams,

The Independents, properly so called, conceiving that they could draw from Scripture alone that form of ecclesiastical polity which was most consonant to the spirit of Christianity, rejected tradi- Character of the Independents.

&c. who all intimately corresponded with, and supported, him, his election was just what might have been expected. The reader will not have forgotten that he was, in a former parliament, member for Huntingdon, which his father had represented before him. But then follows the most extraordinary statement of all, which will afford another proof of the small hesitation with which this writer makes the broadest and most groundless assertions. Cromwell, says he, "seemed not to possess any talents which could qualify him to rise in that public sphere into which he was now *at last* entered." (Why, *at last*, when he had been in parliament before?") "His person was ungraceful, his dress slovenly, his voice untuneable, his elocution homely, tedious, obscure, and embarrassed?" (We shall soon have an opportunity of presenting a specimen of Oliver's eloquence, when the reader will be enabled to judge for himself. Mr. Hume selects more cant, forgetting what himself observes in regard to the writings of Sir Henry Vane the younger, that "they treat, all of them, of religious subjects, and are absolutely unintelligible. No traces of eloquence, or even of common sense, appear in them. A strange paradox! did we not know that men of the greatest genius, where they relinquish by principle the use of their reason, are only enabled by their vigour of mind to work themselves deeper into error and absurdity.") "The fervour of his spirit frequently prompted him to rise in the house; but he was not heard with attention." (It is quite evident that Mr. Hume has taken his picture from Warwick; but the passage itself will shew what justice he has done to it, and likewise the character of Warwick himself in regard to [illegible]. "[illegible]rent time," says he, "that ever I took notice of him, (Cromwell,) was *in the very beginning* of the parliament held in November, 1640, *when I vainly thought myself a courtly young gentleman; for we courtiers valued ourselves much upon our good clothes.* I came one morning into the house *well clad*, and perceived a gentleman speaking, whom I knew not, very ordinarily apparelled, for it was a plain cloth suit, which seemed to have been made by an ill country tailor; his linen was plain and not very clean, and I remember a speck or two of blood upon his little band, which was not much larger than his collar; his hat was without a hat-band; his stature was of a good size; his sword stuck close

tion as the basis of the various usurpations, whether by the pope, the Greek patriarch, by Laud, or others, which had tyrannized over and disgraced Christian society. Their form of ecclesiastical

to his side; his countenance swoln and reddish; his voice sharp and untuneable; *and his eloquence full of fervour;* for the subject matter would not bear much of reason, it being in behalf of a servant of Mr. Prynn's, who had dispersed libels against the queen for her dancing, and such like innocent and courtly sports;"—the case of Prynn's servant has already been given, and few more infamous ones can be found in the history of any people that claim a shadow of freedom;—"and he aggravated the imprisonment of this man by the council-table unto that height, that one would have believed the government itself was in great danger by it." (—Was it not?—) "I sincerely profess it lessened much my reverence unto that great council, *for he was very much hearkened unto,*" p. 247, 278. Warwick justly reflects upon his vanity at that time for dress; and his frame of mind then, for he became wiser afterwards, recals to our recollection an anecdote of the great Sully. Louis XIII. sent for him to give his advice upon a great emergency, and the courtiers whispered to one another and smiled at his unfashionable appearance; which the duke having observed, said to the king, "Whenever your majesty's father did me the honour to consult me, he ordered the buffoons of the court to retire into the anti-chamber." But, in Warwick's description, we find the very reverse of Hume's statement. Oliver effected his object in rousing the house, and was very much hearkened to. The same Warwick tells us, that he "afterwards appeared to his eye of a great and majestic deportment;" (and we may here remark that Mr. Hume mangles the report of Oliver's speech, in the third of the king, when he properly spoke as a member of the committee on religion.)—"*His,*" (Cromwell's) "*name,*" continues Mr. Hume, "IS NOT ABOVE TWO YEARS IS NOT TO BE FOUND OFTENER THAN TWICE ON ANY COMMITTEE; *and those committees into which he was admitted, were chosen for affairs which would more interest the zealots than the men of business.*" This would, indeed, be a decisive proof of the little estimation in which he was held, and the reader, conceiving that Mr. Hume would never have hazarded an assertion of this kind without having ascertained the fact, by a careful inspection of the Journals, (he certainly means to convey that he had, and I have heard credit allowed him for having gone to those sources of information,) con-

government was extremely simple:—That each congregation, as a complete church within itself, should have full power to elect its own pastor and office-bearers, and manage all its own affairs with-

cludes, that his account of that individual's character is supported by irrefragable evidence; but what will be his astonishment at the following statement? That Cromwell was nominated one of sixteen, amongst whom were Hampden, Pym, St. John, Selden, Hollis, Lord Digby, Peard, Rous, Grimston,—of the very fifth committee appointed by the long parliament; that, before the recess on the 9th of September, 1641, or within the first ten months, I have found, (and though I shall refer to all these, and thus put them beyond dispute, it is possible that my eye may have missed some,) that he was specially appointed to eighteen committees, exclusive of his appointment amongst the knights and burgesses generally of the counties of Lincoln, Northampton, Huntingdon, Cambridge, Suffolk, and Norfolk; and of his having been sent up twice alone with important messages to the lords: and that the most important matters fell within the province of several of these committees; as Leighton's case; an act for the yearly holding of parliaments; grievances in regard to inland posts, foreign couriers, carriers, and foot posts, &c. Act for abolishing superstition, and the better advancing the true worship and service of God; breach of privilege, 3 Car.; fines in chancery, &c.; act for the better enabling members of parliament to discharge their consciences in the proceedings of parliament; act about the speedy raising of money; addition to several statutes, one made in the time of Phil. and Mary, the other in that of James; petition of freeholders of the county of Herts, &c.: That, from the re-meeting of the parliament, on the 20th October, 1641, till about the middle of July following, when he went down to the country to raise and train troops, I have found him, (and again I must say that my eye may have passed some,) specially nominated to twenty-seven committees, exclusive of his having been once again appointed, as before, generally amongst the knights and burgesses of those counties, exclusive too of his having been appointed four several times, in conjunction with Mr. Hotham, to carry important messages to the lord-lieutenant of Ireland, who, the reader will recollect, was detained in England; exclusive likewise of his having been sent no less than six times, always alone, with important messages to the lords; making in all thirty-eight times: he was besides nominated twice one of the

out the controul of prelates or of presbyteries, synods, and assemblies, or, in short, any other ecclesiastical institution; though they held that every church should cultivate a communion with others

tellers: and the matter that fell within the province of these committees only requires to be mentioned. Grievances, Irish affairs generally; to consider of the speedy and effectual way to reduce the rebels; again to consider of a more effectual way; to meet with a committee of the lords about tumults and seditious pamphlets; to meet with another committee of the upper house to consider of a report about the prince and the Marquis of Hertford; bill about the bishops; to consider of the number and quality of all those who have refused the protestation; to consider the king's reply to Mr. Pym's speech; to consider where his majesty's last letter was framed; to consider of an answer to letters from the committee at York; the bill of subscriptions; to take informations of Danish and Swedish ship-masters, &c. regarding the preparation of a navy in their respective countries; to meet with a committee of the lords, to consider all the information, &c. from York: to receive information of all warlike preparations going on at York, &c.: he was appointed too, conjunctly with Sir G. Gerrard, to prepare a letter to Sir Wm. Brereton, &c.

When it is considered that Cromwell was not a lawyer, and consequently unqualified at first to direct in matters of form, &c. and that Pym, Hampden, Hollis, &c. were all, from what had previously occurred, selected of course, we may form some estimate of his character in the house, from the number of committees he was appointed to. But the first volume of the Life of Clarendon might have set Mr. Hume right. Clarendon, then Hyde, was chairman of a committee, of which Cromwell was a member, regarding some enclosures of the queen's manor, without consent of the tenants,—inclosures which Lord Mandeville, or Kimbolton, was interested to keep up. "The committee," says the noble author, "sat in the queen's court; and Oliver Cromwell being one of them, appeared much concerned to countenance the petitioners, who were numerous, together with their witnesses; the Lord Mandeville being likewise present as a party, and, by the direction of the committee, sitting covered. Cromwell, who had [illegible]r before been heard to speak in the House of Commons," (then it must, as is evident from Warwick's account, and the journals of the case, have been very early, in Nov. 1640,) "ordered the witnesses, and petitioners in the method of the proceeding; and seconded and enlarged upon

of whose principles and practice it approved; and they admitted the use, while they denied the jurisdiction, of classical assemblies. In no material point of doctrine did they differ from the Presby-

what they said with great passion; and the witnesses and persons concerned, who were a very rude kind of people, interrupted the council and witnesses on the other side with great clamour, when they said any thing that did not please them; so that Mr. Hyde, whose office was to oblige men of all sorts to keep order, was compelled to use sharp reproofs, and some threats, to reduce them to such a temper, that the business might be quietly heard. Cromwell, in great fury, reached the chairman for being partial, and that he discountenanced the witnesses by threatening them; the other appealed to the committee, who justified him, and declared that he behaved himself as he ought to do; which more inflamed him, who was already too much angry. When, upon any mention of matter of fact, or the proceeding before, and at, the enclosure, the Lord Mandeville desired to be heard, and with great modesty related what had been done, or explained what had been said, Mr. Cromwell did answer, and reply upon him with so much indecency and rudeness, and in language so contrary and offensive, that every man would have thought, that, as their natures and their manners were as opposite as it is possible, so their interest could never have been the same." (The reader will recollect, that at the time treated of in our text, Cromwell was this Lord's, now Earl of Manchester's lieutenant-general.) "In the end, his whole carriage was so tempestuous, and his behaviour so violent, that the chairman found himself obliged to reprehend him, and to tell him, if he proceeded in the same manner, he would presently adjourn the committee, and the next morning complain to the House of him, which he never forgave, and took all occasions afterwards to pursue him with the utmost malice and revenge to his death." *Life*, vol. i. p. 69—72.

Had Cromwell been an ordinary man, and been merely appointed to a committee from accidental circumstances, or out of compliment, the bare report of such conduct would have disposed the House never to nominate him again. Hyde would doubtless exert all his influence against such a nomination, and Lord Mandeville's popularity in the lower house would have a great effect; while even Cromwell's friends would have taken care that he should not have another opportunity to expose himself, and affront them. But he does not appear

terians. The number of this sect, in its strictest definition, was limited; though it included men of great learning, and many of high rank. But it obtained a mighty support, and even accession on

to have been injured by it; and the probability is, that his charge of partiality against Hyde was not unfounded. For Hyde was ever cunning; and Cromwell, though he proved himself dishonest, always played a high game, making a sacrifice of integrity only for a great object. Hence he was studious for a character of inflexible worth, and was so successful in attaining it, that one of his keenest opponents—a presbyterian divine—thus writes of him in a letter to a friend, at the moment he bitterly opposed him: "The man is a very wise and active head, universally well beloved as religious and stout." Baillie's Let. vol. ii. p. 60.

We may conclude from Clarendon's account, that Cromwell was not, at the outset, an habitual speaker, though he early attracted the attention of the house; and the circumstance will raise our opinion of his judgment. Every one acquainted with human affairs knows, that unless an assembly be taught to esteem a speaker for sound practical wisdom, he will address it in vain; the finest strokes of eloquence being, at least after the orator has been heard a few times, regarded, and justly regarded, as an idle interruption of that serious business on which men have met. The true plan therefore for an individual, who has a character to make, is to reserve himself at first for occasions, when he feels that he can speak with a powerful effect. In this way he gains upon the house, and may then expect to be heard with due reverence on ordinary business. Such was the course pursued by almost all the great speakers whom particular circumstances did not at once bring forward upon the notice of the house. Even the younger Vane was seldom on committees at first.

Lest it should be alleged that I merely meet Mr. Hume's assertion regarding the Journals by one of my own, I give a list of dates for every thing referred to above, so that the reader may at once satisfy himself of my accuracy. [redacted] Nov. 9th, Dec. 3d (twice nominated)—17th, 19th, 22d, 30th—1641, Feb. 10th, 18th. 17th, 23d.—March 9th, June 4th, July 3d, 28th, Aug. 16th, 18th, 24th, (see two nominations this day)—30th, Sept. 1st. Oct. 20th, Dec. 11th, 20th, 29th, (see four nominations this day.)—1642, Feb. 11th, 18th, 21th, March 1st, 2d, 5th, (twice nominated, and also appointed one

general grounds, from a great portion of the community that did not exactly embrace its particular system.

of the tellers) 8th, 28th, April 5th, 9th, 16th, 28th, May 3d, 5th, 12th, 14th, 23d, 30th, 31st, June 6th, 11th, (appointed a teller,) 15th, 17th, 18th, 20th, 27th, (twice nominated,) July 5th, 14th.

It is said that Hampden alone saw into the powers of Cromwell's mind, and prophesied his future greatness in the event of a civil war; for that "*in the beginning of the war,*" Lord Digby, "who was then a great man in the House of Commons," happening to walk down the stairs from the house with Hampden, asked who that man was before them, "for I see," said he, "he is of our side, by his speaking so warmly to-day," (a shrewd conjecture!) "upon which Mr Hampden replied, 'That slovenly fellow which you see before us, if we should ever come to a breach with the king, which God forbid, I say that sloven, in such a case, will be one of the greatest men of England'—but Hampden knew him well." Bulstrode's Mem. p. 192. This story, though repeated by one author after another, from Bulstrode downwards, is quite as probable as Cromwell's dream, which that dealer in dreams, Clarendon, so gravely relates, or as a preternatural event that is said to have occurred in relation to a crown, when Cromwell as a boy acted a character in a play, &c. Digby's utter want of veracity, and great dexterity in invention, have been fully established; and we have no reason to believe that Bulstrode got the story directly from that lord, or from any source that could be depended on as proceeding from him. But the matter can luckily be brought to the test. On the 9th of November, 1640, or the sixth day after the meeting of the parliament, Digby, Hampden, and Cromwell were appointed to the same committee, which consisted only of sixteen, and was authorised to call witnesses, &c. &c. This, therefore, must have made Digby and Cromwell acquainted with each other, and the numerous appointments of Cromwell so early, and his addressing the house, are, along with this, totally irreconcileable with the idea of Digby's not knowing who and what he was. Again, Digby was utterly cast off by the popular party in May following, and was then called to the Upper House. Now, though plots were in May apprehended, and even the introduction of foreign troops, surely no one could foresee a long protracted war, by which alone the military genius of a man altogether obscure as he is here represented to have been, could have risen; and Hampden would not have been

As the grand object of an ambitious priesthood is a form of church-government which confers power, and rites and ceremonies had been multiplied to promote it; so wherever the people have been subdued to a religion full of superstitious observances, they regard the form of church-policy and the clergy as part of the divine institutions, which they are called upon to support with the same spirit as points of faith. But where the mass of the population, having devoted themselves to the study of the Scripture, endeavour to enlighten their understandings from that fountain, they are solicitous mainly for purity of doctrine, and venerate the ecclesiastical establishment only as it is calculated to secure it. Though always ready to yield due respect to the conscientious ministers of religion, and listen to their elucidation of revealed truths, it is merely as to individuals, who from having cultivated divinity as a profession, are presumed to be better qualified than the rest of mankind to explain it, and whose calling is necessary to awaken, by their exhortations, the religious zeal, and promote the morality of their hearers. Finding no particular form of church policy prescribed in the New Testament, they infer that the author of their religion, while

so foolish as disclose his views, had he entertained those implied in this story. Besides, who could predict of any man altogether untried in war, that he had a transcendent military genius? The great capacity and judgment of Cromwell might be duly appreciated by Hampden at that time, but not the other: And his character was early too high to leave room for such an observation.

he was sufficiently explicit in doctrinal matters, has left men to their own freedom in that respect, since the form ought to depend upon the circumstances of society, habits of a people, and government of the state. To them it appears as unreasonable, as the history of nations has proved it to be dangerous, to refer to, or draw conclusions from, the example of the primitive church, since, while Christianity was opposed by the established civil and ecclesiastical powers, and was subject to persecution, there necessarily prevailed a form of discipline different from what was requisite when revelation became the religion of the state. Such were the principles upon which episcopacy was established and defended at the Reformation; and it had only been latterly that the hierarchy had pretended to trace their power to a divine origin. The dissenting clergy, had indeed all along vehemently opposed episcopacy; but their success with the people had always arisen from the fervour with which they had preached, and the purity of doctrine in regard to ceremonies, which they had inculcated: Even in Scotland, the people never would have been disposed to resist episcopacy, had it not been for its accompaniments. Accustomed to that particular form of ecclesiastical policy, the people of England generally venerated it; and though the mad ambition of Laud, in conjunction with the king, had taught men to look out for some other form which might secure blessings that were, by such an imprudent

and criminal course, rendered hopeless under the present system, the bulk of the nation would even yet have gladly returned to episcopacy, could they have been certain that it would not again be made the instrument of such unworthy purposes *.

We have, in a former part of our work, given

* This is quite clear even from Baillie's account. "It is certainly true," says he in a familiar letter to his brother-in-law, so late as 27th December, 1644, "of what you wrote, of the impossibility ever to have gotten England reformed by human means, as things here stood, without their brethren's help. The learnedest and most considerable part of them were fully Episcopal. Of those who joined with the parliament, the greatest and most considerable part were much Episcopal," vol. ii. p. 81. There has been always a strong tendency in the high-church party of England to regard Charles I. Laud, and Strafforde, as martyrs for the church; but the fact is, that they were in reality its greatest enemies. Had it not been for their innovating and outrageous conduct, episcopacy could never have been in danger. For an account of the Independents and their supporters, see Baillie, vol. iii. *et seq.*, but particularly p. 67. 83-5. 180. There had been disputes about the sacrament, the Independents wishing the elements to be dispensed through the church, instead of the communicants coming up to the table; likewise about marriage and baptism; the last of which they conceived might be done privately, and the first constituted without the priest. But these points they conceded; and it is singular that in modern times their principles regarding marriage and baptism are admitted on the opposite side: baptism is generally performed privately, and marriage may be constituted as under the canon law, by mutual consent. See Mosheim, vol. v. p. 46. 307, *et seq.* Orme's Life of Owen, p. 63, *et seq.* See Whitelocke's Speech upon ecclesiastical government, in his Memorials, p. 69. He, Selden, and indeed all the lawyers, were Erastians, holding that there was no divine rule of ecclesiastical government, but that it should depend upon the civil power. Baillie with great indignance informs us, that the majority of the commons held the same tenets, vol. ii. p. 97. 107. 149-50.

an account of the pretensions of the Presbyterian clergy in Scotland, prior to the late king's accession to the English throne, and we need not repeat it. During their persecution, both by the late and the present king, they had assumed a moderation of language foreign to their principles; and a great portion of the English, who duly appreciated the noble struggle of the Scots in opposition to the throne, and approved equally of the simplicity of their worship and purity of their doctrine, conceived, before the ambition of their clergy, which, from circumstances, was adopted by the people themselves, was unveiled, that they might more safely embrace a system already established in the neighbour kingdom, than incur all the obloquy, and run all the hazard, of one which had never been tried. But the language of the Scottish clergy changed with the times, and the spirit of their English brethren also developed itself. When they entered into the solemn league and covenant, they flattered themselves that their army would have the merit of terminating the contest with the king, and that then, in conjunction with the Presbyterian party in England, they might dictate equally in matters of state and church, and consequently instal themselves into the richest benefices and places. The aristocracy joined in the same views; and the clergy, thence encouraged to advance their pretensions, so greatly changed their tone, that one cannot read the correspondence of the same individual, at the different times, without being asto-

nished at the difference in his language. The divine right of presbytery, the power of their classical assemblies, their independence of the civil authority, and their right to call upon it to root out heresy, error, and schism, by the most exemplary punishments, were all advanced by them with a violence and bitterness that one unacquainted with the history of religion, could scarcely have anticipated from a sect that had so lately smarted under, and complained of, persecution, and of the cruelty of forcing the consciences of men. By their excommunications and other church censures, which they insisted upon having accompanied with heavy civil penalties, while they obstinately refused to specify the causes that fell under their cognizance, they would soon have drawn within the pale of ecclesiastical usurpation the majority of cases proper for the civil courts; and they even arrogated the right of visiting all families within their respective bounds, that they might exhort, threaten, or censure, according to the occasion. Nothing, in their eye, was so sinful as any toleration; and the very mention of it by the Independents, who were content to solicit it, inspired them with rage. They warmly approved too of the zeal with which their brethren in the united provinces reproached their magistrates with secretly allowing a species of toleration, and thus committing that heinous sin *.

* See Mr. Baillie's Letters, vol. ii. Mr. Laing's account of the increase of fanaticism has been thought just; but it appears to me

The most discerning part of the community had early perceived the tendency of the Presbyterian principles, and had, therefore, regarded that sect with no complacency. But when they beheld the monstrous height to which they carried their pretensions, they saw the necessity of opposing them. Presbytery, properly modified, and restrained by the civil power, with a toleration to other sects, as it is in Scotland at this day, might have been obtained without great opposition; but this, as a weak Erastian presbytery, as making the church dependent on the state, which they yet called upon to interpose with a potent hand in their favour, was rejected with disdain; and, as happened to the hierarchy, they, by arrogating too much, lost all. The Independents, therefore, whose doctrine was pure, whose form of policy perfectly accorded with civil government, and who allowed toleration in its utmost latitude, in a religious view, were supported by all of the popular party, and particularly by Selden, Whitelocke, and other great lawyers, who did not admit the divine right of

quite unsound. The clergy now scarcely went so far as their predecessors had done before James's accession to the English throne. They had latterly become moderate, like every sect that is under persecution. Their spirit revived with success, and now they had the highest game to play. Hence it was not that a new race became intolerant, but that men of ardent spirits were encouraged. Even the mild, the gentle Baillie, entered into all their views in opposition to his previous conduct and native temper. Their principles are better explained by Milton, vol. ii. p. 275, and his account is put beyond all doubt by Baillie's Letters.

presbytery, or feel it to be their interest to promote it.

Cromwell, who studied the scripture, had not arrived at a conclusion in regard to ecclesiastical policy; but appears to have esteemed that best which was most calculated to secure what ought to be the object of all such establishments. He is alleged to have at first inclined to the presbyterian system; but it must have been only at the very beginning of a prospect of change, and to such a modified system as would have been approved of by Whitelocke and others. The troops whom he commanded were inspired with his own zeal, and, like their leader, conceived themselves too enlightened in religion to submit to presbyterian tyranny. Hence he laboured to support the Independents,—a class that, as we have said, included a vast number more than those that literally came under the definition; and, as his fine body of military was modified to his wish, he became an object of terror to the Scots, whose hopes were humbled by the figure which their army had made.

At the beginning of this parliament, Hollis had, both from his rank and his former persecution, acted a conspicuous part, though subordinate to that of Hampden and Pym. After their deaths he appeared to take the lead; but, for the performance of such a part, he wanted the requisite talents; and, as Cromwell, along with Vane and others, soon overtopt him, the most irreconcileable difference arose between them. Hollis had at first protested against accommodation, declaring

that he abhorred that word*; but when he perceived that the younger Vane †, Cromwell, and others, were rising into such importance, and supported by a great party as well as real power, so that he could not longer expect to sit at the helm, he then felt a desire of accommodation, as his best chance to secure power, and, joining with the Presbyterians, exerted all his influence to crush Cromwell, by blasting his character, and depriving him of command. The Independents, however, looked to Cromwell as their head, and his achievement at Marston-Moor, by raising his own influence also highly, advanced theirs. His fame was spread abroad, and the Scots in vain tried to ascribe the victory to their own troops, under the command of their lieutenant-general, David Leslie. But it is singular, that their clergy were alarmed at the same time, lest the leaven of independency should infect the soldiery; and we learn from themselves, that during the long stay of the Scottish army in England on the former occasion, many had acquired those principles‡. Manchester's major-general, Crawford, had been encouraged, as a presbyterian Scot, in opposition to Cromwell; and the latter, with the army at large, imputed to him many faults, which he seemed fully to affix by his conduct during the siege of York. Entrusted with a mine, by which

* Hutchinson, vol. ii. p. 147. Baillie, vol. ii. p. 47.

† Vane had been greatly relied on by the Presbyterians, (see Baillie,) but they complained of his having frustrated their hopes, &c. by wishing toleration. He, on the scaffold, declared that he had always liked the covenant, but not the rigorous way of imposing it.

‡ Baillie, vol. ii. p. 20.

it was rationally expected that the town would be gained, he occasioned not only a failure, but an immense loss of lives, by so ill attending to the season of action, that the rest of the army was unprepared to take advantage of the explosion, and at the same time exposed to the enemy. To save himself, Crawford gratifies both his countrymen and Denzil Hollis, by alleging that Cromwell, having been slightly wounded in the neck, had retired from the field, and was not present at the second charge; but this, though made by Hollis the ground of a most absurd imputation of personal cowardice, an imputation that no one ever ventured to repeat, and urged with a rancour neither creditable to the head nor heart *, seems to have been altogether groundless, and the enmity of Hollis's party, in conjunction with the Scots, only rivetted Cromwell faster in the affections of the whole mixed body of independents, while silly calumnies raised his character still higher with the nation at large. Essex, who had formerly been supported by the upper house chiefly, in conjunction with a party in the lower allied to the lords, had lost his character with the popular party, and Waller had been purposely raised up as his compe-

* No unprejudiced man can peruse Hollis's Memoirs, and rise from them with a good opinion of the author. Mr. Laing supposes that, as Baillie and Salmonet agree with Hollis in regard to Cromwell's having been absent from the second charge in consequence of his wound, he must have retired to get it dressed: But had this author not been content with merely dipping into authorities, he would have found it acknowledged that the whole rested upon the word, accompanied indeed with oaths, of Crawford, and that Mr. Baillie seems latterly to have been ashamed of it.

titor, with a view to eclipse him. Waller, however, like all the regularly bred soldiers, Skippon excepted, and even he had too much of that leaven *, had not done much credit to the selection, and, therefore, all men who wished to see a period to the war, turned their eyes towards Cromwell and Fairfax. This, however, so alarmed the Scots and the parties now allied to them, that, though a victorious termination of the war under Essex seemed hopeless, and they had a little before imputed all to his imbecility, they now supported him, conceiving that they could depend on him, and that, at the same time, the great burden of the war and merit of closing it, with all the power which must accompany a most victorious army, would, by such means, devolve upon the Scottish troops: Their hopes, however, were frustrated; their army did nothing but lie as a burden on the country, which they alienated by their plundering and licentiousness †, and the Earl of Leven presented a memorable proof of the correctness of our observations in regard to military genius, since, though he had acquired a remarkably high character abroad, he was at once eclipsed by new men, and sank into insignificance.

The grand principle by which the Independents surpassed all other sects, was universal toleration to all denominations of Christians whose religion was not conceived to be hostile to the peace

* Hailes' Let. p. 146.

† Baillie's Letters are invaluable, as fully developing all this. See vol. ii. p. 18. &c.

of the state—a principle to which they were faithful in the height of power as well as under persecution. In this, for which they were bitterly reviled by the Presbyterians, they set an example to Christendom; for, though a secret toleration to a certain extent, or rather a connivance at certain sects, had been allowed in the United Provinces, it was on far less liberal principles, and denounced by the clergy as most sinful in the magistracy. It is true that the Independents did not extend the principle of toleration to the Catholics, but the exception was founded on political grounds only; that the Catholic body acknowledging a foreign spiritual dominion, and holding correspondence, not only with it, but with an organized clergy throughout Europe, and through them with the civil powers, were dangerous to the peace of a Protestant community. This noble principle of the Independents has been, by men who could trace no good in the adherents of a party that opposed the illegal pretensions of a court, deduced from the excess of their enthusiasm; but it owed its origin to better motives. An interested, ambitious clergy, regularly organized throughout a state, are intolerant, because they suppose their own consequence is involved in the struggle. With the community at large, who in many instances resign their understandings to their spiritual guides, civil interests also too often mingle with religious, and the priesthood are ever ready to sound the alarm: but when the great body of the people think for themselves, and no longer dread the ci-

vil consequences of difference in opinion, while they have no organized clergy to sound the tocsin on every appearance of heresy, they become imbued with all the genuine charity of the gospel. The clergy unorganized into a regular government, and each devoted to the duties of his own parish, have neither power nor inclination to concert measures against the opinions of their neighbours, provided they do not threaten their own security. They do indeed pity the delusions of the rest of mankind; but they would correct them by opening their eyes to the light, not by consigning to the flames those whom they cannot convert by their arguments.

To return to our narrative of military transactions. After the battle of Marston-Moor the siege of York was resumed, and the town soon surrendered on terms. The three commanders-in-chief then agreed that Lord Fairfax should remain at York as governor, while he sent 1000 horse into Lancashire, to form a junction with the forces of that county and of Cheshire and Derbyshire, for the purpose of watching the motions of Prince Rupert, and with the rest of the army reduced the whole of Yorkshire; that the Scottish army should march northward to meet the Earl of Callender, who was expected with an additional force of 10,000, and reduce the town of Newcastle; and that the Earl of Manchester should proceed towards Lincolnshire, that he might recruit his army out of the associated counties. The Scots were met by Callender, and sat down before Newcastle; but the town was not carried till October, and the English began to de-

Surrender of York, &c.

spise a force that had boasted so much, and yet performed so little, while the soldiers alienated the country by licentiousness, which could not have been looked for from the austerity of their preachers, and rigid manners of the leading covenanters; nor did they ever recover their character by any after stroke. The Earl of Manchester, in his way south, took some places; but Cromwell afterwards accused him of having purposely neglected opportunities, on the principle that the parliament was already too high, and the king too low, and that farther success would prevent such a peace as would be agreeable to him and his party *.

Actions in the south.

The affairs in the south had been far more prosperous for the king, though in the spring Waller had gained a considerable advantage, and the parliament had furnished two armies, one under him, and another under Essex, which, it was supposed, should have brought matters to a conclusion.

The southern association, consisting of the counties of Southampton, Sussex, Surry, and Kent, having undertaken to raise forces for Waller, which the parliament provided for by ordinance, the king's general, the Earl of Brentford, who had become besotted by habitual drinking †, and Lord Hopton, determined to break into the association, where

* Rush. vol. vi. p. 636, *et seq.* Baillie's Let. vol. ii. p. 62, *et seq.* Whitelocke, p. 94, 95. Clar. vol. iv. p. 503.

† Such is the character given of him by Clarendon, vol. iv. p. 491. The same historian tells us that he was illiterate to the greatest degree that can be imagined, Ib. But I presume that he could not be more so than the Earl of Leven, who, though he had raised himself abroad as a mere soldier of fortune, could scarcely scrawl his own name. Hailes's Let. p. 61.

they expected a party to join them. They therefore entered Hampshire with that view, at the head of 14,000 men, when Waller, Balfour, and others were dispatched against them with 10,000. The parties met at Cherington-Down, near Alsford, and the royal army was defeated with considerable loss; but, through the able conduct of Hopton, the greater part of the artillery was saved, and the retreat to Oxford secured. Lady Hopton fell into Waller's hands; but, instead of detaining her as a prisoner, he sent her to Oxford under a safe conduct, with all the plate that properly belonged to her. The circumstance, however, is only worthy of mention, as it serves to refute the idle allegation, that the parliamentary party "little affected to conduct themselves by the maxims of gallantry and politeness *."

This victory, as the presage of future success, occasioned rejoicings in the metropolis; and the parliament, according with its spirit, determined to make arrangements which it was conceived would bring matters to a speedy conclusion. Essex was sent out about the middle of May at the head of 12,000, and Waller at that of 10,000. The first was best provided with large ordnance; but the latter, by the addition of leathern guns upon a new construction, was also well supplied. Besides these, upwards of 5000 were sent out under Sergeant-major-general Brown. Charles also took the field, and, that he might augment his army as much as possible, he slighted Reading and other places, that he might draw the troops from the garrisons.

* Rush. vol. v. p. 653, *et seq.*

The royal army was, however, inadequate to cope with the parliamentary, and Charles wisely left Oxfordshire to elude it, and also to save Worcester, as well as draw the other into a country, where the advantages of artillery, in which the king was inferior, might not be so sensibly felt. But his situation, in spite of the battle of Marston Moor, was soon changed *.

Lyme had been long besieged by Prince Maurice, with a force which it could scarcely have been supposed that a town commanded by heights, wretchedly fortified, and only garrisoned with 1000 men, could have resisted. But it had no less a hero than Blake for one of its commanders, and under such every disadvantage was surmounted. The townsmen, too, acted the most undaunted part, and the very women displayed the highest spirit, for they carried the ammunition, &c. and one is alleged to have discharged sixteen musket shot with her own hand. Hence, with very small loss, the besieged first and last killed two thousand of the besiegers. But, though the Earl of Warwick had contrived to send in a small supply of ammunition and provisions, it was reduced to the greatest straits; and as the safety of the west was thought in a measure to depend upon that of Lyme, Parliament determined to relieve it. A dispute, however, arose as to the army which should undertake it, and both Essex and Waller desired the employment. The last was conceived to be fully adequate to the occasion, and the parliamentary committee wished him to be sent; but Essex had, as supreme commander, made an ar-

* Rush. vol. v. p. 655, *et seq.*

rangement in his own favour, and when he received other instructions, he argued that he had already made dispositions, which could not be changed without great inconvenience, and was permitted to proceed, while the other was ordered to watch the royal motions. Leaving Essex, therefore, for the present, we shall follow the king *.

Charles having drawn Waller to Worcester and the neighbourhood, and heard that the Earl of Denbigh and others were ready to arrest his march, while Waller hotly pursued, by which he was threatened with being inclosed between the two armies, resolved upon returning to Oxford, now that Essex was dispatched into the west. He therefore made a feint to pass the Severn, by which he so far deceived Waller, that he gained two days' march, and proceeded rapidly to his old quarters. Waller, however, overtook him near Banbury, though the Charwell intervened; and the armies faced one another for a day without action, each expecting the attack from the other, under the disadvantage of passing the river. Next morning Charles drew off his army; and Waller having driven off that portion of it which guarded Cropredy-bridge, sent part of his cavalry to assail the enemy's rear. But again had he been deceived. A larger portion of the royal troops remained than he supposed, and they having got between his cavalry and the bridge, intercepted their retreat. The horse broke through, but not without great loss; and Waller, as if he had already discharged the duties of a campaign,

Affair of Cropredy-bridge.

* Rush. vol. v. p. 670, *et seq.* Whitelocke, 84, *et seq.* Clar. vol. iv. p. 481, *et seq.*

returned to London to recruit. The truth is, that, from mismanagement, though he always carried out a fine army, he soon found it melt away by desertion *.

Movements of Essex. His army obliged to lay down its arms.

We shall now accompany the motions of Essex. His approach towards Lyme having been learned by Prince Maurice, he raised the siege with the great loss already mentioned, and Essex took Weymouth and other places. But the aspect of affairs was suddenly changed. Hitherto the object of Charles had been to form a junction with Rupert, after that prince had, as was expected, relieved York, and defeated the allied army. The battle of Marston-Moor, however, blasted all his hopes from that quarter, and made him look towards the south-west, where were Maurice, Hopton, and Grenville, as his only resource. Though, therefore, deceived at first by false rumours regarding the battle of Marston-Moor, he marched again towards Worcester, he soon, upon better information, changed his route towards the south by Gloucester and Bath, unobstructed or followed by Waller. An obstruction from another he dexterously removed by a feint to proceed into Wales. Having been joined by Hopton and Maurice, and also by a number of volunteers in Somersetshire, he found himself in a condition to follow Essex with a considerable army. The earl, having been apprized of his majesty's approach, called a council of war, to determine upon the course to be pursued, when it was

* Rush. vol. v. p. 675, 676. Clar. vol. iv. 490. 496-97-98. Append. to Evelyn's Mem. p. 87, 88. See Baillie's Let. vol. ii. p. 2, *et seq.* about Waller's troops.

unfortunately resolved that he should march into Cornwall, relieving Plymouth, then besieged by Grenville, by the way; that he might destroy Grenville's forces, and thus cut off supplies of men to the king from that quarter, and afford the country, in which Lord Roberts, Essex's field-marshal, had great influence, an opportunity to declare for the Parliament; while it was not doubted that Waller would hang upon his majesty's rear, and, by stopping all supplies of men and provisions, render the royal army an easy prey to that of Essex on its return. The parliamentary general, therefore, relieves Plymouth, and marches towards Lesthiel. But Waller, who was suspected, on no improbable grounds, of wishing the ruin of Essex, as Essex had formerly done his, pretended that he was not in a condition to march, and only sent 2500 horse and dragoons under Middleton, who arrived too late. Had the parliamentary general been in a situation where he could have forced his adversaries to fight, it is not unlikely that he would have still been successful; but in a country so narrow, hilly, and full of passes, he was soon reduced to the last extremity. In this distress, which had been augmented by the treachery of some of his officers, he formed the resolution of breaking through with his horse, while the foot should be left to capitulate on the best terms they could, and having been supported in the plan by some of his principal officers, he immediately executed his purpose, and took refuge in Plymouth.

Skippon, the next in command, though too generous to complain to the Parliament of his superior's conduct, appears not to have approved of it; and having assembled the field-officers after the flight of Essex, addressed them thus: "Gentlemen, you see our general and some chief officers have thought fit to leave us, and our horse are got away: We are left alone upon our defence. That which I propound, therefore, is, that we, having the same courage as our horse had, and the same God to assist us, may make trial of our fortunes, and endeavour to make our way through our enemies as they have done; and account it better to die with honour and faithfulness, than to live dishonourably." But, as few concurred with him, he was obliged to treat; yet the known courage of his men, whom, as Skippon drew them up to charge, in case good terms were refused, it would have been dangerous for the victors to drive to despair, procured them good terms:—that the common soldiers should lay down their arms, but the officers retain theirs as well as their horses; and that the whole should be conveyed in safety to their own quarters, without any other condition than that they should not again bear arms till they reached Southampton. At first some of the royal troops began to infringe the articles; but Skippon having represented the matter to the king, his majesty, who expressed himself much hurt at their conduct, so effectually issued orders against the repetition of it, that each

party gave testimony to the other of the good carriage of the respective soldiery *.

The parliament had, previously to this stroke, been much dissatisfied with the generalship of Essex; but, above reproaching him under misfortune, both houses joined in a letter, assuring him that they imputed no blame to him, and that, while they submitted with resignation to the will of providence, they would lose no time in repairing the disaster, to accomplish which they had ordered arms to be sent to reorganize his troops, and instructed Manchester to march south. The same soldiers had soon an opportunity of wiping off the disgrace with which this disaster had covered them.

Second battle of Newbury, 27th October.

Essex's troops having been armed and joined with Manchester's and Waller's, as well as Middleton's, were in a condition to give Charles battle, and, after some marching and skirmishing, they met at Newbury, on Sunday the 27th of October. Essex was at this time in London, confined with indisposition, and therefore the duty devolved upon the other commanders. As the parliamentary army was superior in number to the king's, he, who expected a large reinforcement under Rupert and the Earl of Northampton, prudently took up a strong position in order to avoid a battle till they joined him; but the adverse

* Rush. vol. v. p. 677, *et seq.* Whitelocke, p. 101, *et seq.* Baillie, vol. ii. p. 53, *et seq.* Clar. vol. iv. p. 511, *et seq.* Ludlow, vol. i. p. 126, who tells us, that it was alleged, the object of that unfortunate march into Cornwall was to afford Lord Roberts an opportunity to collect his rents.

party were on that account no less eager for an immediate engagement. From the king's position, and the neighbourhood of Dennington castle, which was garrisoned by him, it was deemed advisable for the parliamentary generals to divide their forces; and a post was assigned to Manchester at a little distance from the place of action. The parliamentary horse that acted were commanded by Waller and Balfour; the foot by Skippon: and the news of that morning—that the Scots had taken Newcastle by storm, and that the Irish rebels had sustained a defeat—inspired both officers and men with an augury of success. As Skippon had to march the foot by a considerable circuit, in order to avoid the fire from Dennington castle, out of which a party sallied upon them, it was three in the afternoon before the attack commenced; but, after a desperate conflict of three hours, during which both sides displayed the genuine spirit of Englishmen, success so inclined to that of the Parliament, that it was conceived night came opportunely to save the whole royal army. Four hundred prisoners, and nine pieces of ordnance, were taken by the parliamentary forces: of the latter there were six of the individual guns of which Essex's troops had been disarmed in Cornwall; and they were recovered by the very men who had been reduced to the humiliating condition of surrendering them. Anxious to remove the stigma, they rushed up to the guns in spite of every difficulty and danger, and embracing them as old friends, exclaimed, they would give them *a Cornish hug*. Charles was so

humbled with the success of this day, that he is reported to have marched away to Oxford with only one troop. He, however, soon returned, and both armies faced each other at Donnington castle; but though the parliamentary army was about double the king's in number, the officers declined to hazard a battle. Cromwell, however, afterwards brought a charge against Manchester for allowing to slip so favourable an opportunity to finish the war. After this both parties retired into winter quarters *.

Actions of Montrose in Scotland.

While these events were passing in England, Montrose, according to the preconcerted plan, had begun his operations in Scotland. Antrim had undertaken to send 10,000 Irish into that country, but his magnificent promises, on which Charles relied, he never was in a situation to fulfil, and he afterwards reduced the number for which he was engaged at that time, to 2000, while only 1600 reached that kingdom. Montrose, supported by Huntley, had previously erected his standard at Dumfries; but the attempt was premature. Few joined them; and as the Highlanders whom they brought thither retreated to their hills, the leaders were obliged to seek their safety in flight. Gordon of Haddo, who had joined them, and whose previous oppressions had rendered him odious, having been caught, was condemned on a charge of having carried on a trea-

* Rush. vol. v. p. 718, *et seq.* Whitelocke, p. 107. Clar. vol. iv. p. 542, *et seq.* Baillie, vol. ii. p. 72. Ludlow, vol. i. p. 127, *et seq.*

sonable correspondence with Huntley, appeared in arms, &c. and brought to the block. Not dispirited, however, with this failure, Montrose prepared for another attempt. In disguise, and accompanied with only two attendants, he reached the house of one of his vassals in Strathearn, at the foot of the Grampians; and having sent one of his attendants in quest of intelligence, and to rouse his adherents, he lurked for a time alone, concealed in any hut by day, and wandering amongst the hills by night. In this situation, he heard of the approach of the Irish auxiliaries, and he hastened to set himself at their head. These native Irish, amounting to 1600, and who, as the retainers of Antrim, had been accustomed to arms in the rebellion, had been first landed under the conduct of Alester M'Donald, at Ardnamurchan, in Argyleshire, where they plundered, burned, and destroyed the country, as well as murdered the inhabitants; but hearing that the Marquis of Argyle was preparing forces against them, Macdonald shipped his troops, and transported them to Skye, and from thence to the mainland, when they traversed Lochaber and Badenoch, ignorant of the fate of their leader, though joined by some of the clans. But, as they descended into Athol, he, in the garb of a mountaineer, and with only one attendant, proclaimed himself their commander. They, however, could not believe that a person so habited and attended, could be the individual of whose rank and power they had been forewarned; till the respect shewn him by the Highlanders who recognised his person, and the num-

ber whom his name summoned to arms, convinced them of their mistake. We are told that the amount of his force, even then, did not much exceed 3000 men; but as his panegyrists ever diminish his numbers, to render his exploits the more marvellous, and so many clans joined him, we can scarcely believe that it was so diminutive. Had not all the valuable Scottish troops been in England, his career would have been short. But he was not deemed important enough to warrant the recal of any portion of the army, nor yet to organize regularly a fresh body of men; and to this idea of his insignificance in war may be traced his great success. The committee of estates instantly ordered out troops under Lord Elcho, to the number of from six to seven thousand horse and foot; and Argyle, having raised his adherents, advanced in the pursuit of the Irish. It was necessary, therefore, for Montrose to hazard immediate action before he should be enclosed between the two armies. Perth opened extensive resources to his troops in case of success, as the mountains yet afforded a refuge in case of defeat. The superiority which the raw Lowlanders had hitherto enjoyed over the Highlanders was now lost: For, while the latter were allowed to charge with that impetuous irregularity which corresponded with their habits, the former had just received as much discipline as deprived them of their native impetuosity, and yet was insufficient to be of service to them in the field, as it so hampered them, and cramped every movement, that they had neither

the furious onset of irregular, nor the steady valour of regular, soldiers. Troops thus formed and ill officered, were in this instance suddenly embodied; and these disadvantages were heightened by the treachery of some of their leaders. Montrose took up a strong position at Tippermuir; and as the Irish, though used to the musket, were unarmed with pikes, and thence unable to resist the cavalry, he placed them in the centre, and his countrymen on the wings. His panegyrists, forgetting that the utter worthlessness of the opposite troops bereaves him of all glory in vanquishing them, inform us that the adverse cavalry was put to flight by a shower of stones; but, considering the silly fictions of these writers, the relation is only so far valuable as it tends to confirm the account of the other side:—that at the very commencement of the battle, Lord Drummond, and his friend Gask, who had been entrusted with command by the popular party, treacherously, according to a preconcerted plan, exhorted their men to immediate flight: Lord Elcho, on the other hand, afforded an advantage by his rashness*. When the horse had thus given way, Montrose ordered his foot to advance against the infantry, and their furious assault put the whole to the rout. Eight pieces of cannon, with the ammunition, and a great number of small arms, fell into his hands; and about three hundred of the adverse party were slain. Drummond and his

* Baillie, vol. ii. p. 94. 92.

friend then formally joined Montrose. The victory, too, was gained with very small loss on his side; and its importance was great. Perth opened its gates to him, and there, as he plundered the town, he supplied his troops with clothing, and acquired additional arms. His success, too, encouraged others to declare themselves. The Earl of Airly, as well as his sons, with the Lords Duplin and Spynie, joined him, and the Gordons were preparing a large reinforcement. But Argyle advanced, and, as Dundee was impregnable, Montrose, both to avoid him, and join with the Gordons, retreated northwards. As he approached to Aberdeen, about 2700 men, some of them from Fife, the rest from that town and the neighbourhood, were called out under two of Huntley's sons, who, either from conscience or policy, took an opposite side from their father, to oppose his progress at the Bridge of Dee; but, in spite of every precaution, desertion thinned their ranks, and Montrose, having with a far superior force crossed the river at a ford above, poured down upon them with an impetuosity which, though 400 Fife men stood the whole shock for above four hours, ultimately drove them from the field. Had they fled farther into the country they might have escaped without much slaughter, and possibly have so drawn off the enemy as to prevent his entrance into the town; but seeking their safety there, the victors pursued them into it, and, not confining the slaughter to them, exhibited a scene of horrors which might well have been

anticipated from a body of men deeply imbrued in all the mischief of the Irish rebellion. Montrose had formerly oppressed Aberdeen, because, out of a principle of loyalty,—a principle which he now affected with such unbridled fury to act upon,—it had resisted the covenant; yet, such was the disposition of the man, such the unmitigated ferocity of his troops, that the devoted town was abandoned as a prey to rapine, lust, and murder. Women were deflowered: the peaceful citizen was first stripped and then massacred in cold blood, lest his clothes should be soiled with his own gore: the unhappy mother durst not deplore the inhuman death of her infant; the wife of her husband; nor yet, with the assistance of kindred, remove the loathsome spectacle from the polluted streets! For four days did this monstrous cruelty continue, and it ceased only then because the approach of Argyle obliged Montrose to evacuate the town *.

As Montrose was not in a situation to cope with Argyle, he retreated northward to form the junction with Huntley, but, disappointed in the expected succour, and finding the opposite banks of the Spey guarded with about 5000 men drawn from the adjacent shires, he had no resource but flight to the mountains. The Highlanders, laden with

* This account of the horrors exhibited at Aberdeen is taken from Spalding, a cotemporary townsman, most firmly attached to Charles and Episcopacy, and a well-wisher to the general success of Montrose, vol. ii. p. 237, *et seq.* See for preceding transactions p. 216, *et seq.* Baillie, vol. ii. p. 64. 92, *et seq.* Wishart, p. 67, *et seq.* Clar. vol. iv. p. 606, *et seq.* Carte's Life of Ormonde, vol. i. p. 477. The statement here is in direct opposition to the general tenor of this author's work, and confirms our account of Irish affairs.

spoil, left him, according to their custom; yet, with masterly marches over the hills, in which his artillery and ammunition were lost in a morass, he saved himself from defeat and disgrace. But it was necessary to employ his Irish troops, and, as Argyle's army had, through some jealousy of his influence in the state, been so shamefully neglected that the desertion of his men obliged him to abandon the pursuit of Montrose, and so disgusted him that he threw up his command; the latter was left at liberty to begin a new expedition. Though the season was far advanced, and winter already begun, he, having gained some fresh adherents, penetrated into the wilds of Argyleshire, hitherto deemed inaccessible, and soon overran that country with a vindictive barbarity, which only the brutal Irish of that age, and the savages of the mountains, could have been found to perpetrate. The houses and corn were burned, the cattle destroyed or carried away, and all the males fit to bear arms, that fell into their hands, massacred in cold blood *.

After these exploits he returned towards Inverness; but, after he had proceeded so far, he learned that Argyle, who, disgusted at the neglect of his small army by the parliament, had thrown up

* Wishart, chap. vii. and viii. This author says that Argyle first practised this cruel mode of warfare; but it would have been better to have given instances; and what shall we think of a prelate, of one that was afterwards Bishop of Edinburgh, who can gravely tell us that Montrose acknowledged that he had never more experienced the singular providence and goodness of God than in this expedition? Are these the weapons of the gospel?—Spald. vol. ii. p. 269. Baillie, vol. ii.

his command, had again, resenting the dreadful invasion of his territory as an immediate wrong to himself, collected about 3000 men, to take vengeance on his enemy, and was ravaging the lands of a clan confederated with Montrose. He therefore instantly changed his course, and, passing the mountains, fell down upon Argyle's party at Inverlochy in Lochaber. The outposts that escaped fled with breathless precipitation to announce the intelligence, and scarcely could their leader, by hasty preparations, keep off the enemy for the evening. It was moonlight, and the parties faced each other in a menacing posture till morning. Argyle, next day, instead of leading on his men, took to his boat on the lake, from which he viewed the battle at a safe distance, having devolved the command upon a cousin; and the apology made for him by his friends, that an accidental fall from his horse some days before had so bruised his face and arm, that he was disabled from using either sword or pistol, has not been deemed sufficient to exempt him from a charge of pusillanimity. A considerable portion of Argyle's forces consisted of such half-trained Lowlanders as we have described, and these he divided between the opposite wings; the rest, who were Highlanders, he placed in the centre. The number of Montrose's force cannot be ascertained, but his furious assault dissipated the wings composed of such troops; and then the centre, being charged on all sides, was quickly overthrown. The slaughter was great, and Argyle lost many of his own friends:

The rest of his troops found shelter in the mountains *.

After this fresh success, Montrose resumed his purpose of marching to Inverness; and which, as he was now joined by the Gordons and the Grants, who had warily kept back till they thought they saw some certainty of a successful issue, he expected would surrender to him; but the town was not disposed to yield, and, garrisoned with two veteran regiments, was impregnable. Turning, therefore, from it, he let loose the native ferocity of his own temper, as well as that of his troops, upon the adjacent country. Acting on the principle, that all who were not for him were against him, he wasted their lands, and plundered and burned their houses. Elgin, Cullen, and Banff, were plundered; and the inhabitants of Stonehaven in vain implored his mercy. He consumed the town to ashes without a feeling of remorse at the misery he inflicted †. Such were the first proceedings of Montrose—proceedings that were held out by the ministers of his master as an example to English commanders ‡; and by such tender mercies did "the mild, the gentle Charles," attempt to reclaim a deluded people to the just sway of his paternal authority. But the people were not

* Wishart, p. 110, *et seq.* Baillie, vol. ii. p. 98. See also Gen Baillie's Vindication, Id. p. 264. Spalding, vol. ii. p. 270.

† Id. p. 273, *et seq.* See p. 285, for a proof of inexorable cruelty in Montrose, scarcely credible of one in civilized life. The men, women, and children, with prayers, tears, and lamentations, addressed him in vain.

‡ Clar. State Papers, vol. ii. p. 89.

to be so won, and no success ever gave Montrose a firm footing in Scotland. Not one fort did he hold; not a garrison did he ever plant. Whence the authorities which he, for an instant, appeared to have overthrown, immediately resumed their functions. His route was indeed marked with blood and devastation; but as his power only followed his person, his influence vanished with his presence; and, while men prayed for his overthrow and punishment, his atrocities everywhere kindled a deeper resentment against counsels that could encourage them.

State of parties in the English parliament.

It is now time to resume the narrative of English affairs. For the supreme military command, Essex was as unqualified from inclination as ability. Unwilling to overpower the king, he had evidently neglected opportunities: incapable of availing himself of his advantages, he had ever lost the season of action. The influence of the peers alone had long preserved him; and, after the death of Hampden, the popular party had attempted to raise up Sir William Waller, hoping, that when that officer had eclipsed the other in war, the chief command might be obtained for him. But he was no less inefficient: "nimble marches" he did indeed make; but his practice was to lead out a fine army from the city, and return in a few weeks to recruit; for such was his utter want of discipline, that the soldiers generally left him after a month's service. But the attempt to raise him as the competitor of Essex had excited such jealousy between them, that he complained of the loss of one

army through the designed want of support from Essex; and Essex, of the loss of another, through a similar fault on his side. Cromwell, who had performed the most signal exploits, unless Fairfax may be ranked as his competitor for military fame, had a powerful party in parliament; but the Scots, whom he despised, and whose ecclesiastical discipline he opposed, were hostile to his promotion, while Denzil Hollis, who had flattered himself with the hope of the chief ascendancy, and at last perceived how ineffectually he could contend with him in the lower house, now not only supported Essex, as well as the peers for whom he shewed formerly such small reverence, but endeavoured to destroy the character of Cromwell by calumnies of cowardice, which none would believe, and tried, in conjunction with Essex and the Scots, to impeach him as an incendiary, for kindling dissension between the two kingdoms. Cromwell's friends had already tried to get the chief command of Manchester's army transferred to him from that nobleman, who, if he really desired success, was destitute of talents to secure it. But the attempt had at once spread alarm; and, on the same principle, had Crawford been supported when charged with various breaches of duty, as well as been encouraged to traduce Cromwell.

Cromwell, who had at first governed the Earl of Manchester, had been for a considerable time back on ill terms with that nobleman, and therefore, when parliament instituted an inquiry into the shameful business at Dennington castle, he

presented a charge against him to this effect: That, anxious only for such a peace as victory would be prejudicial to,—a principle which he had discovered by express words, as well by a series of actions, he had always been indisposed to engage the royal forces, and thus end the war by the sword: That, after the surrender of York, he had, as if he thought the parliament too high, and the king too low, studiously neglected and shifted off opportunities by his own absolute will, against, or without, the opinion of his council of war; and had, in spite of the commands of the committee of both kingdoms, detained his army in positions which afforded every advantage against him: That, even after the junction with the other armies, he had acted a similar part, unless when he cajoled or deluded his council of war to concur with him in neglecting one opportunity under pretext of another, and that again of a third; "and at last persuading them that it was not fit to fight at all;" and that his conduct was particularly reprehensible when facing Donnington castle, as he might there have overthrown the king. Manchester gave in a narrative, in his own defence, in which he ascribes some slowness in his operations to the jealousies and misunderstandings of his officers; but, confining himself almost exclusively to that part of his conduct which was most obnoxious to reproach, he states that Cromwell had been himself partly the cause of the small success on that occasion, by not bringing up his horse: That, for his own

part, as he was inexperienced in war, he had done nothing without the advice of his principal officers, of whom the first that dissuaded from fighting was Sir Arthur Hazlerig, (an individual that Cromwell meant to adduce as a witness to prove his charge,) and, says he, "I must acknowledge that Lieutenant-General Cromwell was sensible of a contradiction in this particular, as when there was but an information of such a report cast out at random, that I had acted without the advice of the council of war, he professed that he was a villain and lyar that could affirm any such thing *." Not content with this, Manchester brought a charge against Cromwell, that after the capture of York, he had declared that the Scots had come into England to impose their church-government, and he would as soon draw his sword against them in that attempt, as against those of the king's party: That he had spoken disrespectfully of the house of peers, saying that he wished there was never a lord in England, and it would not be well till he were Mr. Montague; and that he was desirous of such an army of sectaries as might prevent any peace with the king, which was against the inclinations of his party †.

These mutual charges never came to any proper investigation; the commons having held, that the one at the instance of Manchester, which was transmitted from the lords, could not be entertained against a member of their house, as it ought to

* Rush. vol. v. p. 733, *et seq.*

† Hollis's Mem. p. 18. Baillie's Let. ii. p. 76, 77.

have originated with themselves, and the new model having rendered the prosecution of the Earl unnecessary. It is, therefore, impossible to determine how far the respective statements are correct. That Manchester, who had been raised up much to the displeasure of Essex and his faction, as the rival of that commander-in-chief, and had so little fulfilled the expectations of the public that he soon incurred the same suspicion as the other, and thus justified Cromwell's charge in the public esteem, are undoubted facts *. That the other, whose accusation was lodged within so few days after the affair at Donnington castle, and who had been for a long time on bad terms with his superior officer, should have spoken so warmly to his face against the substance of that charge, is very unaccountable †. But, on the other hand, it is as manifest that Manchester and his friends had become very jealous of Cromwell, as the head of the popular party, of whose en-

* Id. p. 12. "It was the faction's grief," says he, on the 19th May, 1644, that the ordinance for keeping up Manchester's army for other three months, "made him a greater and better paid army than the general's," &c. p. 60, 66, *et seq.*; and also for our general statement, see that volume. Hutchinson, vol. i. p. 347, 348. Ludlow, vol. i. p. 132.

† The affair of Donnington castle occurred on the 10th of November, and Cromwell's charge appears to have been given in within about a fortnight. Manchester's vindication was presented to the lords by the end of the [illegible]. Journ. 25th Nov. *et seq.* Baillie, vol. ii. p. 470. Memoirs composed by individuals who have acted a great part in public transactions, without any immediate view of publication for an object, are highly valuable; and the idea is that Hollis's are of this description; but it is quite apparent from the dedication, &c. that he had written them for a purpose, though he had not ventured to publish them.

nity to their peculiar privileges they were remarkably suspicious; and it is not less true, that he had embraced all opportunities to shew his disrespect of the Scots. It is not unlikely too, that he had allowed to escape him some expressions against the peerage, which had alarmed the earl. But that the charge, as it stood, was prepared as a temporary expedient to procure the removal of Cromwell, appears evident from several circumstances. Hollis alleges in his Memoirs, which appear to have been prepared in 1648, as a philippic which he intended instantly to publish against his enemies, and particularly Cromwell and St. John, that the charge would have been proved, had it not been unjustly stifled by the Independent party in the lower house *. But the secret cabals against Cromwell at this juncture, in which Hollis acted a very deep part; and the fact of Manchester's charge being only made to meet the one against himself, and of its having been brought down by Hollis, afford a clear presumption that the matter could not have been substantiated.

Cromwell's penetration into character, and deep policy, are altogether irreconcileable with the idea of his so foolishly exposing his designs to a nobleman, to whose sentiments, in regard to the exclu-

* The committee to whom it was referred were the following: Mr. Prideaux, Mr. Brown, Mr. Solicitor, Sir John Clotworthy, Sir William Strickland, Sir Henry Vane, Sir Walter Erle, *Mr. Maynard*, Mr. Crew, *Mr. Whitelocke*, Mr. Reynolds, Sir Arthur Haslerig, Sergeant Wilde, Mr. Lisle, *Mr. Hollis*, Mr. Hill, Sir Thomas Widdrington, *Mr. Fiennes*. Journ. 4th Dec.

sive privileges of his own class, he could be no stranger; and if he had been so absurdly incautious, it was certainly the duty of Manchester to have given instant information against him, instead of preserving a profound silence, rendered the more remarkable by differences between them, till himself was accused of the grossest misconduct by that individual, who "had given great satisfaction to the commons touching the business of Dennington castle *." But the case does not rest on this. Cromwell had reflected, though delicately, on Essex's officers; and that earl having, along with Hollis, Stapleton, Meryich, and others, instigated the Scottish commissioners, who were sufficiently predisposed, to impeach him as an incendiary between the two nations, in violation of the solemn league and covenant, sent for Maynard and Whitelocke one evening very late to Essex-house for consultation on the subject, of which he had not previously apprized them; but, though the commissioners were supported by the others, who were all present, and the two lawyers stated, that the

* Whitelocke, p. 116. Clarendon's account of this matter is very incorrect; and it is very strange indeed that Hollis should impute the not fighting to the designs of the Independent party, lest the war should be finished, as it might have been, by one stroke. Compare his statement with Manchester's narrative. He pretends that his majesty's affairs were irretrievably ruined now, and therefore that Fairfax and Cromwell had no merit in finishing the war. Lamentable is it too, to find him so vehement against St. John, for his argument in Strafford's case—considering that he never resented it, but continued most intimately connected with him, till he found himself sinking under the Independent party, to which St. John attached himself. But enough of Hollis.

lord chancellor of Scotland's idea of an incendiary corresponded with the principles of the English law, they could adduce no other grounds for their intended proceeding, than that he was no well-wisher to Essex, and that, "since the advance of the army into England, he had used all underhand and cunning means to take off from their honour, and the merit of their kingdom,—an evil requital of all their hazards and services." The two lawyers justly remarked, that the case must depend on proof; that they had heard no particular stated, nor knew any themselves, which could warrant a proceeding; and that, therefore, the Scottish commissioners should endeavour to collect matter of fact, which tended to substantiate their general charge, when, if called upon, they would be ready to give their opinion regarding it. But that, as it behoved both them and the lord-general to be cautious in engaging in any prosecution which could not be clearly supported by facts, and Cromwell had great interest in the house of commons, and many friends amongst the peers, while he possessed "abilities to manage his own part to the best advantage *," they advised that the business should be at least deferred. With this the Scottish commissioners were satisfied, though "Mr Hollis, and Sir

* This surely is a proof of Cromwell's talent for speaking. Had he been the tedious, homely, perplexed speaker he is represented by Hume, a seat in parliament would have been disadvantageous to him, as by exposing himself there, he would have lost the character for talents which he had gained in the field; and yet it was to his influence in the senate that he was greatly indebted for his rise.

Philip Stapleton, and some others, spake smartly to the business, and mentioned some particular passages to prove him to be an incendiary; and they did not apprehend his interest in the house of commons to be so much as was supposed, *and they would willingly have been upon the accusation of him**." Now it is singular, that Hollis was the very individual who brought down Manchester's charge from the house of lords; and that both he and Stapleton, as well as Whitelocke and Maynard, were of the committee to whom the matter of privilege was referred. But as this would have afforded indisputable ground for prosecution, it is vain to say that Hollis and the others were outvoted both in the committee and in the house, since, though it was resolved that an impeachment of a member of the commons could not originate with the lords, there was no bar to a proceeding in another form; and the very circumstance of their being on the committee, enabled them to ascertain early what would be the vote, and thus lose no time in taking new measures.' It is clear, therefore, that the whole was a cunning device, to alarm the aristocracy, and the English, as well as Scottish Presbyterian party, against Cromwell; and we may conclude with remarking, that Hollis himself, while he founds upon the very existence of the charge as a decisive proof of its truth, never alludes to his own cabals for the ruin of his enemy.

* Whitelocke, p. 116, 117.

"I have cause," says Whitelocke, in regard to the consultation at Essex-house, "to believe that at this debate, some who were present were false brethren, and informed Cromwell of all that passed amongst us *:" and the intelligence could not fail to rouse him and his friends to immediate proceedings. But matters could not remain longer in their present posture. In the armies, general was against general, and the subordinate officers were rent into factions by their divisions. The parliament partook of their differences, and was daily splitting into greater factions, while the country at large had begun to cry out against the conduct of a war, which, it was generally believed, the commander-in-chief did not desire to see brought to a decisive termination; and complained that the members of the parliament, having engrossed lucrative offices, purposely protracted the miseries of their country, that they might enrich themselves at the public expense †. There had been that time twelvemonth a vote, that the members of the parliament, with certain exceptions, should not hold offices ‡; and there had now been an inquiry instituted into the number and emoluments of those at present enjoyed by them §. The course, therefore, to remove the present commanders, and still the public discontent, appeared chalked out; and on the ninth of December, the consideration of the present con-

Causes of, and proceedings relative to, the self-denying ordinance.

* Whitelocke, p. 116, 117.
† Baillie's Let. vol. ii. p. 47. 57. 60, *et seq.*
‡ Cob. Parl. Hist. vol. iii. p. 187.
§ Journ. 14th Nov. 1644.

dition of the army, and the means of efficaciously reforming it, having come before the lower house,—Cromwell, while every one was unwilling to broach a subject of so delicate a nature, broke the deep silence thus, "That it was now a time to speak, or for ever to hold the tongue; the important occasion being no less than to save a nation out of a bleeding, nay almost a dying condition, which the long continuance of the war had already brought it into, so that, without a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings, like soldiers of fortune beyond sea, to spin out a war, we shall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy say? Nay, what do many say that were friends at the beginning of this parliament? Even this, that the members of both houses have got great places and commands, and the sword into their hands, and what by interest in parliament, and what by power in the army, will perpetually continue themselves in grandeur, and not permit the war speedily to end, lest their own power should determine with it. This I speak here to our own faces, is but what others do utter abroad behind our backs. I am far from reflecting on any; I know the worth of those commanders, members of both houses, who are yet in power; but, if I may speak my conscience without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorously prosecuted, the people can bear the war no longer, and will enforce you to a dishonourable

peace. But this I would recommend to your prudence, not to insist upon any complaint or oversight of any commander-in-chief upon any occasion whatsoever; for, as I must acknowledge myself guilty of oversights, so I know they can rarely be avoided in military affairs: therefore waving a strict inquiry into the causes of these things, let us apply ourselves to the remedy that is most necessary; and I hope we have such true English hearts, and zealous affections towards the general weal of our mother country, that no members of either house will scruple to deny themselves their own private interests for the public good; nor account it a dishonour done to them, whatever the parliament shall resolve upon in this weighty affair *." 'Another spoke thus: "Whatever is the matter, which I list not so much to inquire after, two summers are past over, and we are not saved: our victories (the price of blood invaluable) so gallantly gotten, and, which is more pity, so graciously bestowed, seem to have been put into a bag with holes; what we won one time we lost another: the treasure is exhausted, the country wasted: a summer's victory has proved but a winter's story; the game, however shut up with autumn, was to be new played in spring—as if the blood that has been shed were only to manure the field of war, for a more plentiful crop of contention. Men's hearts have failed them with the observation of these things, the cause whereof the

* This I conceive to be a sufficient proof of Cromwell's powers as a public speaker.

parliament has been tender of ravelling into. But men cannot be hindered from venting their opinions privately, and their fears which are various, and no less variously expressed; concerning which I determine nothing; but this I would say, 'tis apparent the forces being under several commanders, want of good correspondency amongst the chieftains has oftentimes hindered the public service*." After these speeches, Mr. Zouch Tate moved, that all members of either house should be precluded by ordinance from holding commands; and this having been seconded by the younger Vane and others, was, after a long debate, resolved by the house, when an ordinance in conformity with the vote was ordered to be brought in. On the 11th, the ordinance as prepared was read the first time; and a fast was voted on the same day *for that house*, to be held on the 18th, "to humble themselves for their parliamentary and particular sins and failings, whereby they might obtain God's blessing in a better measure upon their endeavours for the future." On the 12th, a petition was presented by many in London, encouraging the design. On Saturday the 14th, the ordinance was read a second time, and a committee of the whole house was appointed to consider it on the Wednesday following, (17th,) when some amendments were assented to, and a provision in favour of the lord-general, that the ordinance should not extend to him, was

* Surely there are fewer more eloquently condensed passages to be found in any language than this.

rejected by 100 to 93. Another proviso levelled at Cromwell's friends, that none should enjoy military command who would not subscribe an obligation to submit to any church government which should be agreed upon by both houses, upon the advice of the assembly of divines, was, with the ordinance itself, allowed to lie over till the next Thursday, or the day after the fast. The fast was assented to by the lords likewise; and certain preachers were ordered by both houses to discharge the spiritual functions, while all strangers, even the attendants of members, were ordered to be excluded. This resolution by both houses was alleged to be for the purpose of affording the preachers an opportunity to expatiate upon the new intended model, or, as this was styled, the self-denying ordinance; but as it had previously been fully debated and determined upon in the lower house, the object could not be to move the commons, unless as to the proviso, regarding the subscription to submit to any church government agreed to by both houses, &c. and therefore we must conclude, that, if such a design were contemplated at all, it must have been directed towards the lords, where it was expected the ordinance would encounter the greatest opposition. Next day the proviso about church government was rejected by the commons, and the ordinance passed *.

* Now the reader will be able to appreciate the correctness of Clarendon's statement, which is followed by Hume, and the nature of the latter's history of England. The story is, that the Independents knew not

Whitelocke's argument on the self-denying ordinance.

In the debate about the self-denying ordinance under the grand committee, Whitelocke spoke at considerable length against the measure; argu-

how to propose the alterations, till they resorted to the method which had hitherto proved so successful—that of preparing and repairing things in the church, that they might afterwards grow to maturity in parliament. That they therefore proposed that they would have a solemn fast day, in which they would seek God, (which was the new phrase they brought from Scotland with their covenant,) and desire his assistance to lead them out of the perplexities they were in; and they took care to nominate fit preachers: that when the fast day came, (which was observed for eight or ten hours together in the churches,) the preachers prayed that "parliament might be inspired with those thoughts as might contribute to their honour, reputation," &c.: that they then expatiated upon public affairs, alleging the parliament lay under many reproaches for making places, &c. to themselves, and that the people despaired of ever seeing an end of the present calamities, &c. They again fell to their prayers, "that God would take his own work into his hand; and if the instruments he had already employed were not worthy to bring so glorious a design to a conclusion, that he would inspire others more fit," &c. When, continues he, the two houses met the next day after these devout animadversions, there was another spirit appeared in the looks of many of them. Sir Henry Vane told them, "If ever God had appeared to them, it was in the exercise of yesterday; and that it appeared it proceeded from God, because (as he was credibly informed by many *who had been auditors in the congregations*) the same lamentations and discourses had been made in other churches, as the godly preachers had made before them, which could therefore proceed only from the immediate inspiration of God;" and so forth. He also gives a speech for Cromwell, Clar. vol. iv. p. 561, *et seq.* *Now we have given our dates from the Journals, which prove beyond all doubt that the new model was resolved upon before a fast was even voted, and that the ordinance itself had undergone the fullest discussion before the fast was held.* But this is not all. The fast was only kept by the two houses; an ordinance for the general or national fast having been past next day, to be held on Christmas day, "although it be the day on which the feast of the nativity of our Saviour was wont to be solemnized;" (Journ.) so that there could not be that concurrence in the language of the different churches, pretended to be alluded to by Vane. It is evident, therefore, an

ing that members of parliament could, as having the deepest stake in the community, be most surely depended on for its defence: That military commanders selected from their own body, were, as most directly subject to the controul of either house, most likely to be obedient: That their rank necessarily obtained for them a submission from the subordinate officers, that could not be expected from such as more nearly approximated to the station of those whom they commanded; and that, as by this new arrangement the eminent individuals who had already so signally served their country must lay down their commissions, it would

well as from the speeches which we have given from Rushworth, and the facts stated by that collector and Whitelocke, &c. that this account was a most impudent fabrication; and I have no doubt that Clarendon, who takes such credit to himself for his dexterity in forging speeches, was himself the author of the whole. But one feels more inclined to excuse him, who, having embarked all his hopes and fortunes in the struggle, and been engaged in all the transactions, could not fail to be imbued with the passions incident to them, for such a statement, than for the adoption of it by Mr. Hume, who sat down coolly with the *avowed* object of writing the truth. The apology for him is that he followed Clarendon; but it cannot be admitted—because he himself refers to Rushworth, as if he had been warranted by his authority; and it is utterly impossible that, as Rushworth gives a most particular account of the whole business, *with dates and speeches*, and mentions that the fast was held to implore a blessing upon the new model, which had already drawn a congratulatory address from many in London, Hume could be deceived. His misrepresentation then, I must speak out, was as wilful as it is gross. If truth be necessary to history, I cannot conceive that Mr. Hume's work will come under the denomination. *He elsewhere, by way of ridicule, quotes the very words of the ordinance, for the national fast on Christmas day.* As for Clarendon, he tells us he often wished to make a collection of all the speeches and letters he had forged. Life, vol. i. p. 137. The principle on which Clarendon wrote, too, was inconsistent with a regard to truth. "I first undertook," says he, "this

not only offend them, but devolve the public safety upon men without experience. He concluded with referring to the conduct of the Greeks and Romans in support of his argument, alleging that they always bestowed the great civil and military offices upon their senators, as on persons the best qualified, both from the deep interest they had in the state, and from their opportunities of acquiring in the senate that intimate knowledge of the counsels of their country, which was necessary for promoting them *.

As this has been presented by Mr. Hume as an irrefragable argument, and the conduct of the ancient republics referred to by him with particular satisfaction, it may be proper to give the matter a little examination. Without an intimate acquaintance with the institutions of any state, it is always dangerous to draw an inference from any particular branch of its policy, because what may be wise and beneficial under one system, may be absolutely pernicious under another. But, in this instance, neither Whitelocke nor Hume seems to have understood the nature of [redacted] political machine in those ancient republics; and in regard to Greece they had remarkably mistaken the fact, since neither in Athens nor Sparta, the two most considerable Grecian states, were senators eligible to other

difficult *work with his majesty's approbation, and by his encouragement, and for his vindication.*" Hist. vol. iv. p. 627.

Rush. vol. vi. p. 3, *et seq.* Whitelocke, p. 118, 119. This author tells us, that "*some said*" the preachers wished the church to be attended only by members, that they might speak the more freely to them, especially upon the point of the self-denying ordinance.

* Whitelocke, p. 119, 120.

offices *. In Rome, indeed, the senators were eligible to, and most frequently filled, some of the highest places; but, in order to ascertain how this operated, we must attend to the constitution of that commonwealth. The senate did not, as in England now, elect the public officers, and neither possessed the legislative power, nor any right even to impose taxes. It was a select committee, into which they were chiefly chosen who had already filled some offices, and performed something memorable in the public service; and its powers were limited to those only of superintending the general current business of the state. All laws were enacted, and public officers elected, by the people in their comitia; and, had the power wisely entrusted to the senate been perverted, it could have been modified by a new law. The senate had thus no power to augment the number of offices; and whenever it was suspected that a war was protracted, in order to afford an advantage to members of their body, new men were brought forward. The consuls were invested with large powers; but they

* In Athens, the senators, and all the great civil and military officers, were annually elected by the people; but the first were chosen by lot out of the respective tribes, from individuals qualified by rank, age, &c. while all the latter were elected by voices in the annual assemblies called for the purpose. From the nature of the senate it does not appear that candidates for other offices could be put in nomination for the lot. Gillies's Aristotle's Politics, p. 80, *et seq.* The powers of the senate were soon virtually withdrawn by the popular assemblies. In Sparta, the senate was composed only of twenty-eight, and none was eligible till he had completed his sixtieth year. Their age precluded the idea of their acting in a military capacity; and the duties of their office as senators required all their powers. Plut. *Life* of Lycurgus.

could not so modify an army, as to turn it against the community; for, as their office expired at the end of one year, they had neither time to corrupt the army, nor undue influence over officers, who depended upon the popular vote for their own advancement. As few, too, of the senate could ever expect to enjoy the consular dignity, they could feel little disposition to promote its power at the expense of their own influence in the national council, while the people could ever, by new laws, curb any thing dangerous in the authority of its commanders. As the senate had not the nomination to places, it was never disgraced by factious cabals and broils to obtain them; and hence we do not ever read of the existence of ministerial, or ruling, and opposition, factions in that august body. What we have said relates exclusively to the pure days of the republic. It is not our province to inquire into the causes that, in the progress of centuries, suspended the operation, as they ultimately destroyed the peculiar fabric, of that celebrated government *. But in England, at the period we are treating of, the two houses of parliament were invested with unlimited power, determinable only at their own pleasure; and, in short, were, in their aggregate capacity, clothed with all the authority of absolute monarchs. Invested with the whole legislative power, and entitled to appoint all public officers, they had a natural tendency to advance their own greatness to the

* See Brodie's History of the Roman Government for an account of that constitution.

prejudice of the people, as well as to multiply jobs and places, that they might enrich and exalt themselves at the public expense. Such a system tended also to inflame the members with the desire of securing the chief influence in this assembly of joint absolute princes, and likewise of procuring the great offices, which all could not equally obtain—till they were rent into factions for supremacy, and each fixed his hope upon the military, as on an engine by which it might render its ascendency complete. Such was the natural tendency of this state of affairs; and it is no answer to the objections, that the English parliament at that time contained a number of patriots, who were prepared to make great personal sacrifices for the public benefit, since an institution must not be appreciated by the integrity of particular men, and, with all their virtue, they had neither escaped the imputation of selfishness, nor the consequences of the system. In proposing the self-denying ordinance, they acted upon the immutable basis of sound policy in the ordinary transactions of life, such as has been recognised by the law of every country; that no trustee shall, in any transaction regarding the subject of the trust, act for his own behoof. The human heart is assuredly not changed by an appointment o a place in the national council. As for the argument, that a member of parliament was best qualified to discharge the duty of a great office, from his knowledge of the councils of his country, it is doubtless strangely erroneous, since no person n such a situation ought to act without the expres orders of the assembly he obeys, which can be a

well signified to an individual who does not, as to one who does, belong to it; and if he were permitted to take a single step, out of his mere unauthorized conception of the designs of parliament from what he had seen passing there, the inevitable consequence would be, that, under such a pretext, he would promote the views of the particular faction to which he belonged. Again, as to obedience being more easily exacted from a member, than from a servant regularly appointed, from his aptitude to the business, the idea is no less groundless, since a member would naturally act in conjunction with a faction within doors, which would exert all its influence to support his preceedings; and it would be a matter of difficulty to disgrace him, while another could receive his instructions only from his constituents, and might be removed without a breach of delicacy: Nor did it follow that men of sufficient rank could not be found without the precincts of both houses. But it is strange, indeed, first, that Mr. Hume should have relied so confidently upon the argument founded on the inexperience of the commanders, which the two houses were by this new arrangement obliged to appoint, since the result so immediately and decisively belied it; and, secondly, that he should have conceived it so essential that the great military commanders should be elected from members of parliament, when the reasoning was so directly refuted by the experience of his own age; for though there be no law against the appointment of members in either

house, the majority of those in greatest command have not held places in the senate. It is singular that Whitelocke himself, in the course of four pages from the transcript of his speech, mentions the absolute necessity that there was for a new arrangement*.

The self-denying ordinance met with a different reception in the upper house. The lords, conceiving that it struck particularly at their privileges, since those only of the commons who were returned to parliament were exempted, while their whole body were thus excluded; and, unwilling to offend Essex, Manchester, and others, as well as anxious to continue them in command, purposely delayed the bill in spite of messages from the commons, and after a conference, finally, on the 15th of January, rejected it. This gave rise to the first visible breach between the houses: But, in the mean time, even the lords were sensible that some new arrangement was absolutely necessary; and as the commons brought in an ordinance for new-modelling the army to 7000 horse and dragoons, and 14,000 foot, in all, and to put it under Sir Thomas Fairfax as general, and Skippon as serjeant-major-general, the upper house, though with some modifications, passed it. Essex and the rest having at length perceived, that though they might retain the name of commanders, they had lost the power, resigned their commissions on the 1st of April; and the commons having passed and transmitted to the

New model of the army.

* Whitelocke, p. 123.

lords another ordinance to the same effect, though somewhat modified, as the self-denying one, it was now passed by the upper house.

As Cromwell retained a command in the army in spite of the ordinance, the whole has been ascribed to the cunning device of that famous person and his party. But the self-denying ordinance, as it was accompanied with such memorable effects, has been the subject of misrepresentation; and it seldom fails, that when individuals rise by certain conjunctures, people overlook the progress of the ascent, and, contemplating the last stage only, ascribe to early deep laid policy, what had been of later growth. That it was the ardent wish of Cromwell and of his party, that he should obtain a military command, is undoubted. But that this was the object of the new model, may well be questioned. From the posture of affairs, it was absolutely necessary to adopt some speedy measure to defeat the designs of other parties and advance their own; and though the new model of the army might not elevate Cromwell as a general, it promised, under Fairfax, to exalt the party of which Cromwell was now at the head. He had formerly urged decisive measures which must have frustrated his hopes of holding the chief command; and as an active leader in parliament, with such an army under Fairfax, he had great prospects. But it never could have been anticipated, that by certain conjunctures a pretext should have been afforded for a short dispensation of the self-denying ordinance in his favour; and far less could he, if his party were, as

is alleged, the inferior in number, expect that any pretext would have been successful. It is easy to assert that the majority were juggled; but it is difficult to believe that men of their penetration, assisted by the Scottish commissioners, inveterate enemies of Cromwell, should have been so readily the dupes of a project to which they had such aversion. Had the self-denying ordinance, and that for the new model been speedily passed, he never could have had a pretext for continuing in the army. It was only on the 27th of February that he was ordered by the parliament, which he had till then attended, to join Sir William Waller, that he might march with him to the relief of Melcombe, and the places adjacent, as well as prevent levies and recruits there by the king*: And it was his eminent services at this juncture which led to a dispensation in his favour for forty days, as matters became critical: But had the self-denying ordinance, and that for the new model been passed as soon as was expected, both Waller and Cromwell must have been, on the 27th of February, out of command, and neither could have been sent on the employment. On the 11th of May, both houses, without a division, granted him, as being then on actual service, a dispensation from the ordinance for forty days, and the battle of Naseby occurred within the time limited. By another ordinance, they also, at the request of Fairfax and his officers, on the eve of that memorable engagement, ap-

* Journals.

pointed him lieutenant-general of the horse during the pleasure of both houses. Nor is it wonderful. All had the utmost confidence in his capacity for war, and affairs were to the last degree critical *. They who wished a speedy and effectual termination to hostilities, and dreaded the results of a great engagement, were anxious for the assistance of such a genius. His enemies, who desired to protract the sanguinary struggle, imagined that the new modelled army, commanded, as they alleged, by officers without experience, for Skippon was the only old soldier retained, would be so unsuccessful as to cover the commanders with disgrace, and lead to the recal of Essex; and as they were eager to tarnish the fame of Cromwell, and thus divest him of influence, we may presume that they were not averse to afford him an opportunity to lose the laurels he had gained. On the other hand, if the new model were immediately successful, which could alone overcome all the odium that attached to the invidious measure of removing the old commanders, and consequently prevent a recurrence to the old arrangement, the army could speedily be put upon a new footing, since the self-denying ordinance only subsisted during the war, and the Scottish army still continued in England as a check upon the other. Besides, little was apprehended from such a temporary and subordinate appointment as that of Cromwell; nor could any one have predicted the

* Journals.

fatal obstinacy and insidious proceedings of the king, which really gave the grand turn to the course of events *.

Sir Thomas Fairfax.

The rank and influence, as well as the exploits of Sir Thomas Fairfax, pointed him out for the chief command under the new model. His father, Lord Fairfax, who held a Scottish peerage, had a wide influence in his native county of York, which he represented; and in the beginning of this parliament he appears to have been a member of the most important committees. The service which he rendered against the Marquis of Newcastle has been already related. But the military merit of the son was transcendent, having a parallel from none but Cromwell's; and as he had not a seat in

* Clarendon's account of all this matter has been already so exposed, that it is unnecessary to dwell farther upon it; but Hollis has been esteemed an honourable man, and therefore we may make a remark on his statement. Some of Essex's troops mutinied, and he alleges that Mr. Solicitor St. John wrote a letter underhand to the committee in Hertfordshire to put them to the sword,—"a villainy never to be forgotten nor forgiven:" but the matter rests entirely on his assertion; and his credibility may be tried. He alleges that Cromwell's men also mutinied, crying they will have Cromwell or they will not stir; but so very different a course was adopted towards them, that he must be sent down, and they have their wills. Though Cromwell had pledged himself for their obedience, when the other party argued that the new model would fill the armies with discontent and mutiny: and that this was the pretext under which he was sent down. Mem. p. 81, *et seq.* Now the Journals, and they cannot be disputed, afford a flat contradiction of this, as they prove that he was sent down on a very difficult service. The testimony, too, in letters from persons of credit to the parliament, was that Essex's "were the most unruly, and that none appeared so full and well armed, and civil as Col. Cromwell's." Whitelocke, p. 131. This is confirmed by Rush. vol. vi. p. 16—18. For text generally see p. 7, *et seq.*

parliament, he was necessarily the object of choice. Writers have been fond of paying a tribute to his heart at the expense of his understanding; but the fact appears to be, that he himself even at the time encouraged the idea, that he good naturedly adopted the suggestions of others, in order that, while he reaped the advantage, he might shelter himself from the odium of certain transactions; and that when the current had changed, he was particularly anxious to seek oblivion of particular branches of his conduct, under the impression that he was the senseless dupe of designing men. In talents for war he perhaps equalled Cromwell; in activity, deep policy, and ascendency over the minds of men, (which, however, Cromwell vastly promoted by his situation in parliament,) he was far inferior; and therefore, in process of time, descended into the nominal commander, while the real power centred in his inferior officer *.

* Hollis, who makes Hazlerig a gross coward as well as Cromwell, and uses the most rancorous language regarding others, says of Fairfax, "for a commander-in-chief Sir Thomas Fairfax is found out; one, as *Sir Arthur Hazelrig said*, as if he had been hewed out of the block for them, fit for their turns to do whatever they will have him, without being able to judge whether honourable or honest." P. 34.

The same writer pronounces the keeping in of Cromwell hocus-pocus; and Hume says, that the independents, though the minority, prevailed by art and cunning over the presbyterians: but the first should have recollected the charge all along brought against the parliament, when he was one of the leading men, and the following exposure of the absurd charge which was doubtless composed under his [illegible]ces, may be a sufficient answer both to him and Hume on the present occasion. "We must suppose that there are about ten anabaptists now in parliament, that first expelled the major and better

The parliament has been accused of ingratitude to Essex, for depriving him of the command; but most will be of opinion that, as L.10,000 a year out of the sequestrated lands were settled upon him for his services *, he was rewarded infinitely beyond his merits.

During the summer and autumn, Charles had

part, and then overcame the major and better part of such as remain behind: Then by authority of parliament, and some few other anabaptists in the city, they master and enslave the major and better part also by force, and then by some tumults raised, they drive the king and all his popish, prelatical, courtly, and military adherents from the city: Then they impose taxes upon the kingdom for the maintaining of divers armies, and hereby tyrannize as the decemvirs did in Rome, in spite of the king, in spite of nobility, in spite of gentry, in spite of commonality, in spite of papists, in spite of their own armies; and these, not being sufficiently disconsonant to reason and nature, we must suppose that these ten anabaptists have been in travail with this design almost forty years: before king James began to comply with prelates and papists, and before prelates and papists began to conspire against protestants under the name of puritans, anabaptists were consulting in close junto how to get themselves chosen of a parliament; then how to get a parliament called; then how to preserve that parliament from being ever dissolved; then how to effect all these miracles by such means as none but themselves should ever be able to comprehend. Is not this a rare subject for our great wits at court, to work into proclamations and declarations? It is reported that the Lord Digby, of late, being at Mr. Knightly's house in Northamptonshire, in a parlour there, whilst his soldiers were busily searching, and plundering, and rifling the rooms, smote his hand upon the table, and swore that that was the table whereat all those civil wars had been plotted, at least a dozen years before. It should seem that Mr. Pym had sojourned sometime in that house, and that was sufficient for an inference that the nest of anabaptists had been there too, and that nest had studied something which neither our king's cabinet counsellors, nor the juntos of Italy or Spain could make defeasible." English Pope, p. 38, 39.

* Whitelocke, p. 121.

sent two messages for peace; but as in these he would not acknowledge the two houses to be the parliament of England, they were considered in no other light than as a serious mockery, tending to render the breach more irreconcilable, and yet satisfy the clamours of his mongrel parliament and supporters, with an appearance of desiring a termination to hostilities, as well as excite, by such a shew of amity, discontent at the war in the adherents of the opposite party. To evince, however, that they also desired peace, the two houses sent propositions to him by the Earl of Denbigh, and Lord Maynard, from the peers; Lord Wenman, Mr. Pierpoint, Mr. Hollis, and Mr. Whitelocke, from the commons; while Lord Maitland, Sir Charles Erskine, and Mr. Bartlay, attended for Scotland. The treatment which these commissioners, who obtained the king's safe conduct, received from the opposite party was such, that Lord Maitland, on one occasion, turned pale, imagining that they should all have their throats cut; and even at Oxford, Hollis disarmed one officer, and Whitelocke another, for abusing their servants; while they were themselves obliged to submit to the most opprobrious language *. Charles himself, however, received them more graciously, having allowed them to kiss his hand; but when they delivered the propositions, and informed him in answer to his questions that they had [illegible] powers beyond them, he, using the same lang[illegible]e which he had done at the

Proposition by the two houses for peace.

* Whitelocke, p. 111—113.

treaty of Oxford, told them that a letter-carrier might have performed the business equally well *. He, however, resorted to his old method of seduction; and, having obtained a private interview with Hollis and Whitelocke, was so far successful, that they both appear, even by Whitelocke's account, to have endeavoured to procure his favour at the expense of their duty to their constituents †. He then, having prepared his answer, returned it to the commissioners sealed, and yet without an address; and when they represented against this, he replied, "what is that to you, who are but to carry what I send, and if I will send you the song of Robin Hood and Little John, you must carry it." To which they only said, "that the business about which they came, and were to return with his majesty's answer, was of somewhat more consequence than that song." His conduct in other respects was no less haughty, "which was wondered at in a business especially of this importance, and where the disobliging the commissioners could be of no advantage to the king." A debate arose amongst the commissioners whether they could, consistently with their duty to parliament, carry a letter without an address; but, after some debate, they agreed that this punctilio should not preclude a prospect of

* Whitelocke, p. 114.

† Ibid. p. 113, 114. It was certainly contrary to their duty to act without the knowledge of the other commissioners, to have a private interview with the king, and advise him in regard to propositions that should proceed from him. Whitelocke wrote such out with his own hand, *though he disguised his writing;* and when this afterwards was made by Lord Savile a ground of charge, "all the ex-

peace *. In consequence of the letter, the parliament sent a message to Prince Rupert, that when his majesty should, according to the desire expressed in his letter, ask a safe conduct from the two houses of parliament, for the Duke of Richmond and the Earl of Southampton, it should be sent. This brought matters to a predicament particularly displeasing to Charles. His mongrel parliament, and even his ordinary supporters who were not of the select junto, whose secret counsels he so greedily listened to, were clamorous for peace, and as even his council insisted upon his acknowledging the two houses to be the parliament of England, he was obliged to comply. He, however, satisfied his pride by an entry in the register, that *calling* them was not *acknowledging* them,—a quibble which strongly savoured of the casuistry that distinguished his reign, and which has yet found an advocate in the historian to whom we have so often alluded †. The safe conduct was granted accordingly; and the monarch's instruc-

aminations," says Whitelocke, "at committees, and in the house of commons, could not get it out of us." He indeed informs us, that there was no breach of trust; because they were actuated by the best of motives,—a desire of peace; but men are not to be trusted in their own story on such occasions; and all must admit that it looked ill. Whitelocke's property was, fortunately, all within the parliamentary quarters. Clar. vol. iv. p. 598.

* Whitelocke, p. 115.

† Charles' own letters in King's Cabinet Opened, Rush. vol. v. p. 942, *et seq.* Hume says, that this is one of the very few instances from which his enemies have loaded him with the imputation of insincerity. But we have sufficiently proved that his hypocrisy and perfidy were systematic.

tions to his commissioners were, to endeavour to gain the independents on the one hand, by a promise of protection and liberty of conscience in all things indifferent, and a farther promise of great rewards to the leading men: on the other, to inflame the presbyterians with the idea that the independents meant the overthrow of kingly government and the ruin of Scotland; and that consequently their best chance of safety was in joining with him. The parliament soon perceived this object, and took measures to restrain it, as well as to hasten the departure of the two commissioners from the metropolis, the instant their business was finished *.

An arrangement having been made for a treaty, which it was finally resolved should be held at Uxbridge, as most consonant to the dignity of the respective parties, commissioners were appointed by both. The grand points were, the militia and religion; and as Charles was firmly resolved not to concede these, and knew that they would not be renounced by the opposite party, he carried on his secret designs under the conviction that the treaty would be abortive. His only prospect of a result which he would have deemed worthy of his consideration, arose

Treaty of Uxbridge.

* Clarendon's State Papers, vol. ii. p. 180, 181. Hist. vol. iv. p. 570, 571. King's messages for peace, 4th July, and 8th September. Rush. vol. v. p. 687. 712, as to other matters. Id. p. 481, *et seq.* Cob. Parl. Hist. vol. iii. p. 274. 292. 299. 309, *et seq.* 318—320.

from the idea he entertained of a destructive dissension in the parliament, that would restore him fully to his former power. As, therefore, there was a third important point, the breaking off of the Irish cessation, and continuing the war, he strained every nerve to conclude a peace with the insurgents, on condition of their engaging to send him large supplies of men to subdue the people of England. He therefore, in his letters, urges the Marquis of Ormonde to make use of the negociation as an argument to induce the Irish to agree to his terms, which were fully as liberal as he durst grant at present—a rescinding of Poining's act, by which the dependency of that kingdom upon the parliament was secured—the full toleration of their religion, &c.—to which he added a promise of recalling all the penal statutes when his affairs in England were settled. But, knowing well that Ormonde was not disposed to go the lengths he desired, he granted a commission to Lord Herbert, afterwards Earl of Glamorgan, to go much farther, and, in short, purchase the assistance of that people at almost any price. The success of Montrose inspired him with great hopes from that quarter; and the queen, who had a second time gone abroad to obtain supplies, and was dreadfully alarmed at the treaty, lest her husband should recede from his former grounds, particularly in regard to the militia, declaring that she would not live in England were it renounced, and alleging that she absolutely requir-

ed a guard for her own safety,—assured him of a promise from the Duke of Lorrain, to transport ten thousand men into England. Charles, in his answers, comforts her with professions of steadiness, and urges, that as he saw no prospect of peace, she should hasten the transporting of Lorrain's troops by Dutch shipping. With such hopes from Ireland, Scotland, and the Continent, accompanied with a perfect conviction, that whatever happened, his person and regal dignity would be safe, it could not be expected that he would make any concession which could afford a rational prospect of security*.

The first point seriously debated, regarded the militia; and on this it was very improbable that any agreement should ever be made. The parliament proceeded on the principle that by conceding that point, it had no longer security for the salutary laws which had been provided during this parliament, or even for the personal safety of the members; and Whitelocke even combated Hyde upon the constitutional principle, that the sword was by law vested in the monarch, maintaining that the law had not determined where it was lodged; but that it depended equally on both king and parliament. Matters, it must be confessed, had, independently of the present struggle, which superseded ordinary rules, arrived at a new era.

* Rush. vol. v. p. 978, *et seq.* Carte's Letters, vol. i. p. 80, 81. Append. to his Life of Ormonde, p. 5, *et seq.* 3d vol. p. 379. 387. Clar. State Papers, vol. ii. p. 186. Birch's Enquiry.

In former times, a standing army was unknown: The soldiers were the people that were bound to military service; and as it was unlikely that these should turn their swords against their own bosoms, the nomination of officers was safely entrusted to the prince, who acted as their leader. But now that he might embody dissolute troops, which depended on their pay for subsistence, and appoint officers fit for any wickedness, the consequences might be deplorable. This, however, Charles had not left as a speculative danger: His government had brought it home to the breasts of his subjects in characters of blood; and, after such a terrible lesson, the restoring of that power would have implied the most monstrous disregard of all sound policy. It was vain to argue about the legal right. The regal power is entrusted for the general good; and when a monarch violates the fundamental principles of that constitution which he is appointed and sworn to maintain, he necessarily incurs a forfeiture of his right, since he has himself destroyed the very ground on which it was founded.

On the king's side an apparent compromise, that the power of the militia should be vested for three years, in twenty commissioners, one half of his nomination, the other of the parliament's, and, after that, return to him, was proposed; but it was evidently meant, as a deception, such as could not escape the discernment of any ordinary judgment. The commissioners which must have been nominated under this arrangement by the

king, would naturally labour to appoint officers agreeable to him; and as the power of the sword returned in three years to the king, every commander who expected promotion, or wished to continue in a military capacity, would despise the parliamentary commissioners, and sedulously promote his majesty's service. But the ten parliamentary commissioners might also be seduced, particularly as the royal vengeance might soon overtake an inflexible adherence to principle; while, should their integrity be unshaken, and a difference arise between them and those for the king, who was to be umpire between them? If the parliament were dissolved, and in his letters to the queen during the treaty, he declares that he would not forget to put a short period to it, the question is easily answered. If it continued, here was a field for fresh contention, and the king, in all probability, would by secret practices accomplish his object. The army would thus be at his devotion; the policy from which he had been partly obliged to recede would be resumed; the bulwarks of liberty, according even to the designs imputed to him by Clarendon, would be overthrown *; and

* If Charles, as Clarendon admits, passed acts before the commencement of the war, merely because he thought that he had, in the alleged want of freedom in the houses, a pretext for holding them as having been null and void from the beginning, *multo magis* had he such a plea, when *calling* the two houses a parliament, was not *acknowledging* them. If they were not a parliament they had no power to treat; [illegible] an agreement with them being a transaction with usurpers, who had no authority to act, was null. Such, we may safely infer from the one case, would have been his logic in the other.

then the popular leaders would be exposed defenceless victims of arbitrary power. In his past conduct men had an earnest of the future. On the other hand, the parliament proposed that the militia should be conceded to it, and vested in commissioners either for three years after the firm establishment of peace, or for seven years certain from the date of the agreement, and then be settled by bill. This was, of course, refused by the king.

In regard to religion, the parliament insisted that the Solemn League and Covenant should be taken throughout the kingdom, and even by Charles himself; that the bill for the utter abolition of episcopacy, deans, and chapters, should be passed by him, and the lands sequestrated for other uses; that the directory of worship which had been recommended by the assembly of divines, and approved of by both houses, should be ratified; and that the presbyterian church government as it should be afterwards fully modified by parliament, with the assistance of the assembly, should be established. Neither Charles nor his advisers, unless perhaps we should except Hyde, regarded the form of church government in any other light than as a civil engine; and, as this was fully perceived by the opposite party *, his propo-

* The king's principles have already been sufficiently established, but see in addition, MSS. Brit. Mus. Ayscough, 4101, a letter from Charles to the queen, 17th October, 1646, in which he justifies himself for refusing his consent to the presbyterian government entirely on the principle of policy; for that religion was not the

sals to limit the powers of the prelates, by preventing them from exercising any act of jurisdiction or ordination, without the consent and counsel of

ground of dissension on either side: That so great a power of the crown once given away could not be recovered; and that he would not consent to a religion which justified rebellion. No. 87 is another to the same effect, with this addition, that he considered the episcopal government of more importance to his authority than even the militia. See also No. 88, and Clar. State Papers, vol. ii. p. 207, *et seq.* With regard to the opinion entertained of his conscientious adherence to episcopacy, see Baillie's Letters, vol. ii. p. 224, *et seq.* "No oaths," says he, "did ever persuade me that episcopacy was ever adhered to on any conscience," &c.

At the treaty of Uxbridge, Dr. Stewart, on the king's part, spoke very learnedly against the presbyterian government, maintaining that episcopacy was *jure divino;* and Mr. Henderson and Mr. Marshal as stoutly argued that the presbyterian was *jure divino*, when the Marquis of Hertford spoke to this effect: "My Lords, here is much said concerning church government in the general: the reverend doctors on the king's part affirm that episcopacy is *jure divino;* the reverend ministers of the other part affirm that presbytery is *jure divino:* for my part, I think that neither the one nor the other, nor any government whatsoever, is *jure divino*, and I desire we may leave this argument, and proceed to debate upon the particular proposals."—"The Earl of Pembroke was of the same judgment, and many of the commissioners besides were willing to pass this over, and to come to particulars." Whitelocke, p. 128. The feelings of the mongrel parliament are evident from their desire to renew the treaty against the royal wish, &c.——See also in regard to the council, Clar. Life, vol. i. p. 47—52, *et seq.* 80—128, *et seq.* 89—175, 176; see also State Papers, vol. ii. p. 224, *et seq.* The whole of Mr. Hume's statements on this head are therefore erroneous. He alleges that Charles was actuated by conscience; though, in a note at the end of vol. vi. he is obliged to confess that a letter published by Mr. M'Auly proves that he was actuated by policy, but then it was sound policy, though, he says, partly grounded on principle. His text is founded entirely upon the unfortunate piety of Charles: but here a high tribute must be paid to his good sense, for being guided by political motives. Was it good sense to kindle dissension in three kingdoms, by his silly, arbitrary, and intolerant innovations?

the prelates, who should be chosen by the clergy of each diocese, out of the learnedest and gravest ministers of that diocese; by obliging the bishops

"It is remarkable," says Mr. Hume, in relation to the petition from the citizens of London against episcopacy, in the beginning of the parliament, "that, among the many ecclesiastical abuses there complained of, an allowance given by the licensers of books, to publish a translation of Ovid's Art of Love, is not forgotten by these rustic censors." The argument of Lord Digby against the petition was, that the abuses in the ecclesiastical system should be reformed; but that the existence of such evils was not a reason for overturning that species of government itself. If, however, the ecclesiastical government was to be regarded, as it undoubtedly ought to have been, as a mere political arrangement for the support of the Christian religion in purity, was it at all extraordinary that men who had suffered so much by its having been perverted into an engine of arbitrary power in church and state, and perceived that the monarch was still inclined to use it as such, should have desired a different establishment, such as they beheld in other countries, and from which they apprehended no bad consequences? But what is all this, it may be asked, to their rage against a translation of Ovid's Art of Love? Now, all who are acquainted with the writings of that age, must allow that many of them were abominably licentious; and we may well believe that this translation of Ovid's "*Fits of Love*," which I conceive comprehended the amours, which are the worst, as well as the art of love, would not have been selected as an example of the licentiousness of the press, had it not been amongst the most detestable. Every scholar must grant, that, in the original, they are so profligate, that were a poet in our times to indulge in such a vein, he would most properly be deemed a very fit subject for the pillory. But it may be said, what is all this to the bishops? Are they responsible for all profane and wicked productions? Now, mark the art of Mr. Hume. Instead of representing a matter under all the circumstances of the age out of which it emerged, he renders it ridiculous by narrating it according to the posture of affairs in his own time. No man could be silly enough to dream of implicating the prelates now in the licentious productions that the press may teem with. But what was the situation of things then? Hume talks of *the censors of the press* having licensed the works: But he forgets to inform his readers, that the prelates were themselves the censors;

to reside in their dioceses, and preach every Sunday; by prohibiting them from ordaining ministers without the approbation and consent of the majority of presbyters; by allowing a competent provision out of the impropriations to such vicarages as belonged to bishops, deans, and chapters, besides raising £100,000 out of their estates, towards discharging the public debts, &c.—were regarded as a cunning device to retain that species of government, that, in imitation of his father's conduct in Scotland, and according to the principles manifested by himself, he might, on the first opportunity, restore the spiritual tyranny which had so ground his kingdoms *.

Had the points regarding the militia, religion, and Ireland, been conceded, the other points insisted on by the parliament, which regarded the punishment of delinquents, and the abolition of the court of wards, might easily have been settled: But as no point was yielded, the treaty was broken off. In the exceptions from pardon were spe-

and that, while they refused a licence even to such old books as Fox's Martyrs, Jewel's Works, nay to the Practice of Piety itself, which had run through from thirty to forty editions, they pampered the gross taste of certain classes, by licensing the abominable productions alluded to. Was not this shameful? Had these works stolen surreptitiously into the world; and the prelates merely been accused of want of vigilance, an apology for them must have been readily received by every liberal mind; but the very act of licensing such productions, justly brought odium on them; and we must therefore allow that the citizens were right in complaining of this amongst other branches of their misconduct.

* Baillie, vol. ii. p. 91.

cially included forty of his English adherents, and nineteen of his Scottish, with all such of the latter kingdom as had concurred in the votes at Oxford against that country, or been concerned in the late rebellions there. In addition to this, they insisted that all judges, lawyers, bishops, &c. who had deserted the parliament, should be rendered for ever incapable of exercising their functions, and a third part of their estates be forfeited to the public for payment of the national debts: while a tenth part of those of all other delinquents, whose property exceeded £200 in value, or if soldiers, one hundred, should likewise be forfeited.

Treaty broken off.

The treaty, after twenty days, the time limited, was broken off by the parliament; and just before the expiration of the term, Charles writes to his consort, that she needed not doubt of the issue of the treaty; "for my commissioners," says he, "are so well chosen, though I say it, that they will neither be threatened nor disputed from the grounds I have given them, *which, upon my word, is according to the little note* [redacted] *remembrest;* and in this not only their obedience but their judgments concur." When the treaty was ended, he desires her to promise in his name a repeal of all the penal statutes against Catholics, in order to obtain assistance from abroad; and in another letter he writes thus of his mongrel parliament, which he prorogued. "What I told thee last week concerning a good parting with our lords and commons here, was on Monday handsomely per-

formed: *Now, if I do any thing unhandsome or disadvantageous to myself or friends, in order to a treaty, it will be merely my own fault; for I confess, when I wrote thee last I was in fear to have been pressed to make some overtures to renew the treaty, (knowing there were great labourings to that purpose,) but I now promise thee that if it be renewed, (which I believe it will not without some eminent good success on my side) it shall be to my honour and advantage, I being now freed from the place of base and mutinous motions, (that is to say our mongrel parliament here,) as of the chief causers,* for whom I may justly expect to be chidden by thee for having suffered thee to be vexed by them, Wilmot being already there, Percy on his way, and Sussex within few days taking his journey to thee; but I know thou carest not for a little trouble to free me from inconveniences; yet I must tell thee, that if I knew not the steadiness of thy love to me, I might reasonably apprehend that their repair to thee would rather prove a perfect change than an end of their villanies* ?" Thus the very individuals whom the parliament proposed to punish, and on whose account Charles affected to

* For an account of the treaty of Uxbridge and relative matter, see Rush. vol. v. chap. xix. p. 841, *et seq.* Clar. vol. ii. p. 574. *et seq.* State Papers, vol. ii. p. 186. Whitelocke, p. 125, *et seq.* Append. to Evelyn's Mem. p. 82, *et seq.* By the way, the ignorance of some editors is exemplified here. The editor, not knowing that, according to the style of that age, the year began on the 25th of March, places these documents anterior to the transactions of summer 1644, because they are dated in January and February 3d, 1644. Append. to Carte's Ormonde, p. 5, *et seq.*

be influenced against the treaty, only incurred his resentment by urging him to accommodation.

Execution of Laud.

During this treaty, Laud was condemned by ordinance, after a long trial, to lose his head, and suffered on Tower Hill. The sentence was so far mitigated, that he was permitted to dispose of his property by will, and his body was allowed burial. He had for long been allowed to lie forgotten; but the Scots, in conjunction with the Presbyterian party, and particularly Prynn, renewed the prosecution after their second entrance into England. The miseries they had endured, inspired them with resentment: The obstinacy of the king, and the impudent productions of the ex-bishop of Ross made them long for an example. The character and delinquencies of this archbishop have been sufficiently depicted; and the argument in Strafforde's case applies to his; but it must be owned that it was hard for him to be brought to the block by a sect that was fired with all his intolerance. He died firmly; yet, by alleging that he had always been a friend to parliaments, he tarnished the character of his last moments by such a display of the insincerity which had characterized him through life. *

* Hume's note at the end of vol. vii. upon the death of Laud, is as uncandid as it is possible to conceive: In the face of all evidence, even Laud's own, and the strongest facts, he asserts, without pretending to support his assertion by any authority, that Laud only suspended ministers for nonconformity, who "accepted of be-

nefices, yet refused to observe the ceremonies which they previously knew to be enjoined by law. He never refused them separate places of worship, because they themselves would have esteemed it impious to demand them, and no less impious to allow them." After this he might assert any thing; and the flagrancy of the assertion must absolutely astonish any one who reads even the lii. chapter of his own history.

By the way, Laud in his prayer, after denying that he was guilty of treason, says, "but otherwise my sins are very great." Now, might not Mr. Hume have made the same inference from this, which every Christian will allow to have been becoming, that he did from the passage in Cromwell's Letter? Rush. vol. v. p. 817, *et seq.* See Prynn's account of his trial Laud's own Troubles, and Heylin's Life of him. Whitelocke, p. 75, *et seq.* Clar. vol. iv. p. 572, *et seq.* For an account of Maxwell, ex-bishop of Ross's writings, and the rage which these and Charles's declarations excited against the episcopal divines, see Baillie, vol. ii. p. 39, 40, 52.

NOTE TO VOLUME THIRD.

The examination of Colonel Goring, taken June 19, 1641.

To the first Interrogatory.—He saith, that in *Lent* last, (as he remembers,) about the middle of it, Sir John Suckling came to him on *Sunday* morning, as he was in his bed; and this examinate conceiving he had come to him about some businesse of money that was betweene them; and thereupon falling upon that discourse, Sir John Suckling told him he was then come about another businesse, which was to acquaint him, that there was a purpose of bringing the army to *London*, and that my Lord of *Newcastle* was to be generale, and hee, this examinate, lieutenant-generale, if he would accept of it. And further said, that hee should hear more of this business at court: to which this examinate answered only this, Well then I will goe to the court; which was all that passed between them at that time, to the best of this examinate's remembrance.

To the second.—He cannot depose.

To the third.—He saith, that as he was coming in his coach in the street, out of the *Covent Garden* into Saint *Martin's Lane*, he met there Master *Henry Jermyn*, who was likewise in a coach; and seeing this examinate, sent his footman to him, desiring him to follow him, because he would speake with him; which this examinate did: and Master Jermyn going a little further alighted, and went into a house, (to which house, as this examinate was but yesterday informed, Sir John Suckling did then usually resort,) and thither this examinate followed him, and coming after him to the top of the stayres, M. Jermyn said to him, He had somewhat to say to him concerning the ar-

my, but that this was no fit place to speak of it, and desired him to meet him that evening at the court, on the queen's side, which this examinate accordingly did; and meeting Master Jermyn in the queen's drawing chamber, he was there told by him, That the queen would speak with him, and thereupon Master Jermyn brought him into the queen's bed-chamber. But before this examinate could enter into any discourse with the queen, the king came in, and then this examinate did withdraw, and went away for that time; but returned again the same night, and met Master Jermyn again on the queen's side, who told him that he must necessarily meet with some officers of the army, to heare some propositions concerning the army. The next day, being Monday, this examinate came again to the court in the afternoon, and went into the queen's drawing-chamber, where her majesty then was, who was pleased to tell him that the king would speak with him, and bade him repaire to the room within the gallery, into which room the king soon after came; and his majesty asked him if he was engaged in any cabals concerning the army: to which he answered, That hee was not: Whereupon his majestie replyed, I command you then to joyne yourselfe with Percy, and some others whom you will find with him. And his majestie likewise said, I have a desire to put my army into a good posture, and am advised unto it by my lord of Bristol: which was the effect of what passed between the king and this examinate at that time. This examinate meeting afterwards with Master *Jermyn*, Master Jermyn told him that they were to meet that evening at nine of the clocke with Master Percy, and some others at Master Porcies chambers; and accordingly Master Jermyn and he went thither together, and there found Master *Percy* himselfe, Master *Wilmot*, Master *Ashburnham*, Master *Pollard*, Master *Oneal*, and Sir *John Bartley*; Master *Percy* then, in the first place, tendered an oath to this examinate and Master *Jermyn*, the first saying they had taken that oath already. This oath was prepared in writing, and was to this effect, That they should neither *directly nor indirectly disclose any thing of that which should be then said unto them, nor think themselves absolved from the secrecy enjoyned by this oath, by any other oath which should be afterwards taken by them.* They having taken the oath, Master Percy declared, That they were resolved not to admit of any body else into their councils: and Master Jermyn and this examinate moved, that Sir *John Suckling* might be received amongst them; which being opposed by the rest, after some debate, it was laid aside: and some speech there was of Sir *John Suckling* his being employed in the armie; but how it was agreed upon this examinate doth not remember.

After this, Master Percy made his propositions, which he read out of a paper, which were to this effect,—That the army should presently be put into a posture to serve the king, and then should send up a declaration to the parliament of these particulars, viz. That nothing should be done in parliament contrary to any former act of parliament, which was explained, That bishops should be mayntained in their votes and functions, and the king's revenue be established. From these propositions, none of Master Percies company did declare themselves to dissent. Then came into considerarion, if the army should not immediately be brought to *London*, which, as this examinate remembers, was first propounded by Master Jermyn; and also the making sure of the Tower. These things this examinate did urge, to show the vanity and danger of the other propositions, without undertaking this. In the conclusion, this examinate did protest against his having any thing to do in either designe; for the proof of which he appeals to the consciences of them that were present, and so parted with them. About this businesse, this examinate saith, that they had two meetings, and cannot distinguish what passed at the one, and what at the other: but the result of all was as he formerly declared; further then which he cannot depone.

To the fourth inter.—He can say no more than he hath already said.

To the fifth inter.—He saith, That the very day that Sir John *Suckling* first moved this unto him, he gave some touch of it to my Lord *Dungarvan*, and the day after the second meeting at Master Percies chamber, he discovered it to my Lord of Newport, and desired him to bring him to some other Lords, such as might be likeliest to prevent all mischief; and, accordingly, the next day my Lord of Newport brought him to my Lord of *Bedford*, my Lord *Say*, and my Lord Mandevil, to whom he imparted the mayn of the businesse, but not the particulars in regard of his oath, and desired them to make use of it as they should see cause, for the safety of the commonwealth, but not to produce him, nor name any person, except there were a necessity for it. He further saith, that he did, at the same time, make a protestation unto those Lords of his fidelity unto the commonwealth, and of his readinesse to run all hazards for it.

George Goring.

Master Percies Letter written to the Earl of Northumberland, June 14, 1641.

What with my own innocency, and the violence I hear is against me, I find myself much distracted. I will not ask your counsell, because it may bring prejudice upon you, but I will, with all faithfulnesse and truth, tell you what my part hath bin, that at least I may be cleared by you, whatsoever becomes of me.

When there was 50,000 pound designed by the parliament for the English army, there was, as I take it, a sudden demand made by the Scots, at the same time, of 25,000 pound, of which there was but 15,000 pound ready. This they pressed with so much necessity, as the parliament, after an order made, did think it fit for them to deduct 10,000 pound out of the fifty formerly granted, upon which the soldiers in our house were more scandalized, amongst which I was one; and sitting by Wilmot and Asburnham, Wilmot stood up and told them, if such papers as that of the Scots would procure moneys, he doubted not but the officers of the *English* army might easily do the like; but the first order was reversed, notwithstanding, and the 10,000 given to the Scots. This was the cause of many discourses of dislike amongst us, and came to this purpose, that they were disobliged by the parliament, and not by the king. This being said often one to another, we did resolve, that is, Wilmot, Asburnham, Pollard, Oneale, and myself, to make some expression of serving the king in all things he would command us, that were honourable for him and us, being likewise agreeable to the fundamentall lawes of the kingdome, that so farre we should live and die with him. This was agreed upon by us, not having any communication with others, that I am coupled now withall; and further, by their joynt consent I was to tell his majesty thus much from them; but withall I was to order the matter so, as that the king might apprehend this as a great service done unto him at this time, when his affairs were in so ill a condition; and they were most confident that they could engage the whole army thus far; but farther, they would undertake nothing, because they would neither infringe the liberties of the subject or destroy the lawes, to which I and every one consented; and, having their pence, I drew the heads up in a paper, to which they all approved when I read it; and then we did by an oath promise to one another to be constant and secret in all this, and did all of us take that oath together. Well, Sirs, I must

now be informed what your particular desires are, that so I may be the better able to serve you, which they were pleased to do; and I did very faithfully serve them therein, as far as I could. This is the truth, and all the truth, upon my soul. In particular discourses after that, we did fall upon the petitioning the king and parliament for money, there being so great arreares due to us, and so much delayes made in the procuring of them; but that was never done.

The preserving of bishops' functions and votes.

The not-disbanding of the *Irish* army until the *Scots* were disbanded too.

The endeavouring to settle his revenue to that proportion it was formerly; and it was resolved by us all, if the king should require our assistance in these things, that, as far as we could, we might contribute thereunto without breaking the laws of the kingdom; and, in case the king should deny these things being put to them, we would not fly from him.

All these persons did act and concurre in this as well as I. This being all imparted to the king by me from them, I perceived he had bin treated with by others concerning some thing of our army, which did not agree with what we proposed, but *enclined* a way more high and sharp, not having limits either of Honour or Law. I told the king he might be pleased to consider with himself which way it was fit for him to hearken unto. For us, we were resolved not to depart from our grounds, and if he employed others we should not be displeased whosoever they were: but the particulars of their designe, or the persons, we desired not to know, though it was no hard matter to guesse at them; in the end, I believe, the dangers of the one, and the justice of the other made the king tell me he would leave all thoughts of other propositions but ours, as things not practicable, but desired notwithstanding that *Goring* and Jermyn, who were acquainted with the other proceedings, should be admitted amongst us. I told him I thought the other gentlemen would never consent to it, but I would propose it; which I did, and we were all much against it; but the king did presse it so much, as at the last it was consented unto, and *Goring* and *Jermyn* came to my chamber, there I was appointed to tell them, after they had sworne to secrecy what we had proposed, which I did; but before I go on to the debait of the ways I must tel you, Mr. Jermyn and Goring were very earnest Suckling should be admitted, which we did all decline; and I was desired by all our men to be resolute in it, which I was, and gave many reasons; whereupon I remember Master *Goring* made answer he was so engaged with Suckling he could not go or do any thing without him.

Yet in the end, so that we would not oppose *Suckling* his being employed in the army, that for his meeting with us they were contented to passe it by. Then we took up again, the ways were proposed which took a great debait, and theirs, (I will say,) differed from ours in violence and height, which we all protested against and parted, disagreeing totally; yet remitting it to be spoken of by me and Jermyn to the king, which we both did. And the king, constant to his former resolution, told him that all those ways were vain and foolish, and would think of them no more. I omitted one thing of Master Goring, he desired to know how the chief commanders were to be disposed of, for if he had not a condition worthy of him, hee would not go along with us; we made answer that nobody had thought of that, we intending, if we were sent down, to go all in the same capacity wee were in; he did not like that by no means, and upon that did work so by M. *Chidley* that there was a Letter sent by some of the commanders to make him Lieutenant-General, and when he had ordered this matter at London, and M. Chidley had his instructions, then did he go to Portsmouth pretending to be absent when this was a working; we all desired my Lord of *Essex*, or my Lord of *Holland*, and they (if there were a Generall) Newcastle. They were pleased to give out a report I should be general of the horse; but I protest neither to the king or any one else did I ever so much as think of it; my Lord of Holland was made Generall, and so all things were laid aside; and this is the truth, and all the truth I know of all these proceedings; and this I do and will protest upon my faith; and *Wilmot*, *Ashburnham*, and *Oneal*, have, at several times, confessed and sworn, I never said any thing in this business, they did not every one agree unto and would justifie. This relation I send you rather to inform you of the truth of the matter, that you may know the better how to do me good; but I should think myself very unhappy to be made a betrayer of any body; what concerned the Tower or any thing else I never meddled withall, nor never spoke with Goring but that night before them all; and I said nothing but what was consented unto by all my party. I never spoke one word to *Suckling*, *Carnarvon*, *Davenant*, or other creature; mee thinks if my friends and kindred knew the truth and justice of this matter, it were no hard matter to serve me in some measure.

Die Martis, 10 *Maii*, 1641.

The examination of Captain James Chudlegh.

To the first interrogatory and to the second—This deponent saith, that about March and April last hee was at Burrowbridge, where divers officers and commanders of the army met, to whom he used some speeches concerning the parliament; that hee saw no probability that the army would be suddenly paid by the parl. because they had promised so much to the king and to the Scots, as well as to the army; but that the king did commiserate their case and said, that if they would be faithful to him, he would pawn his jewels rather then they should be unpaid; and saith further, that he knows of such a letter sent by the army to my Lord of Northumberland, to be shewed to the parliament, and that he told them at that meeting, that the parliament was much displeased with that letter; and that those who subscribed it should be sent for up, particularly that my Lord of Essex and my Lord [illegible]wport, had expressed much dislike of that letter, and of them who had sent it, and said that they had forfaited their necks. Which he had from Sir John Suckling, Master Davenant, and (as he conceives) from Serjeant-Major Willis; and this he declared to those officers, as giving them an account of his journey, and the service in which they had employed him.

To the third—He saith he hath answered before.

To the fourth—That Serjeant-major Willis told him upon the way, as they were in their journey down into the north, that Colonell Goring was a brave gentleman, and fit to command the army, and that the king had a good inclination to him, that he should be lieutenant-general; and saith further, that before he came out of London, Sir John Suckling had likewise highly commended him, and said he was fitter to command in chiefe, than any man hee knew, and that the army was not now considerable, being without a head, and indeed was but a party (Colonell Goring being away) who commanded a brigado, and that they did undiscreetly to shew their teeth except they could bite; which the said Sir John Suckling wished him to declare unto the army, saying he could not do a better service to the officers who had employed him, than to let them know it; whereupon he did acquaint them with it accordingly.

To the fifth—That Sir John Suckling brought him into some roome of the queen's side at Whitehall, where Master Jermyn and he had private conference together, and often times looked towards this de-

ponent. Sir John Suckling afterwards told him, that the king would be pleased if the army would receive Colonell Goring to be their lieutenant-generall, and said that M. Henry Jermyn said so.

To the sixth—That Mr. Davenant told him, that things were not here as they were apprehended in the army, for that the parliament was so well affected to the Scots, as that there was no likelihood the army should have satisfaction so soon as they expected it.

To the seventh—That when hee brought the letter from the army, hee met with Master Davenant, who told him it was a matter of greater consequence than he imagined, and thereupon brought him to Master Henry Jermyn, and Master Jermyn told him hee heard hee brought such a letter, and asked to see a copy of it, which the deponent did shew unto him, and Master Jermyn asked if he might not shew it to the queen, and offered to bring this deponent to her, which hee excused himselfe of, lest hee should have anticipated my Lord Generall from shewing the letter first himselfe.

To the eighth—That after he had brought up that letter, he staid some eight or nine days in London, before he returned down to the army.

To the ninth—That Serjeant-major Willis told him most of the noble gentlemen of England would shew themselves for the army; and that the French that were about London would receive commanders from them, to join with them; and, besides, that there would a thousand horse likewise be raised to come to their assistance, which horse at last he confessed were to be found by the clergy.

To the tenth—That Serjeant-major Willis said moreover, that the army would be very well kept together, for that the prince was to be brought thither, which would confirm their affections; which this deponent did declare at Burrowbridge unto the officers, and doth believe Willis did the like; and Willis told them also, that if my Lord of Newcastle was their generall, he would feast them in Nottinghamshire, and would not use them roughly, but they should be governed by a councell of war.

To the eleventh—That both Serjeant-major Willis and this deponent did persuade the officers at that meeting to write a letter to Colonell Goring, which was to let him know that they would heartily embrace him to be their lieutenant-general, if it was his majestie's pleasure to send him down, which letter was subscribed by Colonell Fielding and Colonell Vavasour, and [illegible]rs others; and was by him brought to London upon Monday, where not finding Colonell Goring, he delivered it to Sir John Suckling, who carried it to the king, and afterwards brought him to kiss the king and queen's hands; and

within a day or two returned the letter to him againe, which letter this deponent, the Saturday after, carried down himselfe to Colonell Goring to Portsmouth.

To the twelfth—That there was likewise a letter written to Master Endymion Porter, assigned by Colonell William Vavasour, and Colonell Fielding, which was to this effect, to desire him to inform his majestie, that the army was very faithfull to him, and no doubt need be made by his majestie concerning their proceedings. This letter Sir John Suckling would not have to be delivered, but took it himself, for that he said Master Porter knew nothing of the king's intentions.

To the fourteenth—That when he came to Portsmouth, Colonell Goring shewed him the strength of that place, and told him that if there should be any mutiny in London, the queen meant to come down thither for her safety, and that she had sent him down money to fortify it.

To the fifteenth—That what he learned from Serjeant-major Willis, hee got from him by degrees, as he urged it from him by way of discourse; and that Willis, Sir John Suckling, and Mr. Davenant, did all of them give him great charge to keep things secret, and to be very carefull to whom he communicated any thing, which he accordingly observed; for he dealt with the officers there severally.

JAMES CHUDLEIGH.

This examination taken in the presence of us, ESSEX, WARWICKE, P. HOWARD, W. HOWARD.

DIE MARTIS, 18 *Maii*.

The Second Examination of Captaine Chudleigh 1641.

To the thirty-first—That at the meeting at Burrowbridge, he declared unto the officers something out of a paper which he read, and told them that he had received it from Mr. Jermyn, and that Mr. Jermyn had received it from the king. And hee said likewise, that some others about the king were acquainted with it, and named Mr. Endymion Porter, to whom he thought the king had declared in this business.

To the thirty-fourth—That Mr. Jermyn asked him if hee thought

the army would stick to their officers, in case the king and parliament should not agree, or words to that effect.

He saith further, that he had set downe all those things in writing, which hee declared to the officers at Burrowbridge, and thought to have sent it down to them; but upon better consideration he went himselfe, and read it to them out of that paper, but severally, and not to them all together: And particularly, that he had read it to Lieutenant-Colonell Ballard, and to Lieutenant-Colonell Lunsford: that he did not acquaint them all with it, and the reason why he did not, was because he conceived some were of more judgment than others, and fitter to be trusted with matters of secrecie.

JAMES CHUDLEIGH.

ESSEX, WARWICKE, W. SAY and SEAL, HOWARD.

The Examination of Thomas Ballard, Lieutenant-Colonell to the Lord Grandison, taken May 18, 1644.

To the nineteenth—That he did meet at Burrowbridge, being sent to by Captain Chidley, and none other; but he found there Serjeant-major Willis, and divers other officers of the army. This was some time in April last, as he remembereth.

To the twentieth—That Mr. Chidley did propound to him certaine propositions, which, as he affirmed, hee did receive from Mr. Henry Jurmyn, and from another great man which he might not name. Captaine Chidley further said, that Mr. Jermyn told him that he received those propositions from the king; but Chidley told him further, that when he kissed the king's hand, his majestie said nothing to him of any such propositions. The first proposition was, that he should not acquaint either Sir Jacob Ashley, or Sir John Conyers, with any thing of t[illegible]esigne. The second, that if there were occasion, the army should remove their quarters into Nottinghamshire, where the Prince and the Earle of Newcastle should meet them with a thousand horse, and all the French that were in London should bee mounted, and likewise meet them. These propositions were read by Captain Chidley out of a paper which he said hee had written himselfe, thinking to have sent them downe; but upon better consideration, he brought them down himselfe: That they likewise should desire that Colonell Goring should be the lieutenant generall to the

army. There was likewise offered a paper to this effect, as he was then told, that if the king would send Colonell Goring to be lieutenant-generall, they would accept of him; which paper he, this examinat, refused to read, or set his hand to it, but heard that divers others signed it. He further saith, that there was no other paper propounded to him to be signed, nor to any other to his knowledge. He further saith, that this was not delivered to the officers in publique, but severally.

He likewise saith, that presently after, Colonell Vavasor said publicly, that hee never consented to these propositions in his heart, and desired that there might be a meeting immediately, whereupon they agreed upon a meeting at York the Wednesday following; at which meeting they generally concluded not to interesse themselves in any of those designes that had been propounded to them by Captaine Chidley; and they presently writ by the post to Captaine Chidley to London, that if hee had not delivered the paper, he should prepare to deliver it.

THOMAS BALLARD.

The Examination of Captain Legg, taken May the 18th, 1641.

To the nineteenth Interrogatory.—He saith, that hee heard of a meeting at Burrowbridge, but was not there present, but was present at another meeting at York, not long after, where he was told that the king was not well satisfied with the affections of the officers to his service; and therefore it was thought fit to make a declaration of their readinesse to serve his majestie; which declaration was accordingly drawn, but not finding any great cause for it, it was after torne. He further saith, that the night before the meeting at Burrowbridge, he spoke with Captain Chidley at York, who perswaded him to go to Burrowbridge, where he had propositions to impart to the army; but this examinat, refusing to goe, he would not acquaint him with them at that time; but told them that divers lords and officers of the army were fallen off from the king, namely, the Earle of Essex, the Earle of Newport, Commissary Willmott, Colonell Ashburton, and others, which this examinate so much disliked, that they forbore any further discourse.

WILL. LEGG.

The Examination of Colonell Vavasor, taken 29th of May, 1641.

That at the meeting at Burrowbridge, Serjeant-major Willis and Captaine Chidley, or one of them, told the officers there, that the parliament had taken great offence at the letter which they had written up to my Lord of Northumberland; and that those who had subscribed it should be questioned, and that there was small hopes of money from the parliament for the present.

That the king would take it very well if he might receive assurance from them that they would accept of Colonell Goring for their lieutenant-generall, and wished that the army were united.

When the king had this assurance from them, there should come a generall that would bring them money: this they said they had good commission to deliver unto them, having received it from Mr. Henry Jermyn, and Sir John Suckling: He likewise saith, Captaine Chidley spake it with more confidence, and Serjeant-major Willis rather as having heard it from others: He further saith, there was a letter written to Colonell Goring, for to let him know if the kinge would send him downe with a commission to be lieutenant-generall, they would willingly receive him, and this letter was proposed unto them by Captaine Chidley and Serjeant-major Willis. There was another letter written to Master Endimion Porter, which, as he [illegible] bers, was to let him know, that though the army was now [illegible] Sir Jacob Ashley, yet if that it were his majestie's pleasure to a[illegible] Colonell Goring to be lieutenant-generall, they were confident the army would receive him the better, being only subscribed by Colonell Fielding and himselfe. And further saith, that he heares this letter was never delivered, for that Sir John Suckling told Master Chidley that Master Porter was a stranger to the businesse.

COLONELL VAVASOR.

This examination taken before us,

MANDEVILLE, HOWARD, PH. WHARTON.

CHARLES R.

COLONELL GORING—These are to command you to provide with all speed a ship for this bearer, to carry him to *Dieppe* or *Calais*, or any other port of *France*, that the winde may be good for; and if there be any of my ships or pinnances ready to goe forth, you shall com-

mand the captain or master of such ship or pinnance to receive him and his servants, and carry him into France, for which this shall be a warrant to the captain or master you may employ, and hereof you nor they are not to faile, as you or they will answer the contrary, at your perills.

Given at Whitehall, this 14th of May, 1641. To our trusty and well beloved Servant, GEORGE GORING, Governour of Portsmouth.

The Examination of Captain William Legg, taken upon oath before the Lords Committees, upon Saturday the 30th of October, 1641.

To the First Interrogatory.—Saith, that hee doth know Master Daniel Oneale, who was serjeant-major to Sir John Conyers; but doth not certainly remember the precise time of his going from the army to *London*, nor of his return back, but beleeves he returned about June and July.

To the Ninth.—That he was at Yorke when the said Master Oneale returned thither from *London*, and can say no more to this ninth interrogatory.

To the Tenth.—That there was a petition prepared to be delivered to the parliament from the army, which consisted of many particulars, as to show how much they suffered for want of martiall law, and for want of pay, and because their principal officers were not amongst them; and they did likewise set forth in it, that, as the wisdome of the king did cooperate with the parliament, so they did hope the parliament would doe something concerning the king's revenue; but saith hee doth not remember what the particular was which was desired; and further, that they heard of great tumults about *London*, and therefore offered themselves to serve the king and parliament with the last drop of their bloods. Hee saith that this petition was approved of by all the officers that saw it, but was laid aside till further consideration should be had of the manner of the delivery; that himself was afterwards sent for to *London*, by order of the House of Com-

mons, and was examined; and, after his examination, when he saw there was no further use to bee made of that petition he burnt it.

He further saith, that he staid in this town some five or six days, and was with the king, and had some speech with his majesty about a petition to come from the army, and gave him an accompt of the petition that was formerly burnt, and there he received another petition to the same effect with the other, but handsomelier written, upon which there was a direction indorsed, to this purpose: This petition will not offend; yet let it not be shown to any but Sir Jacob Ashley.

He further saith, there was no name to this direction, but only two letters; but what those letters were he will not say, nor cannot sweare who writ those two letters, because he did not see them written.

He saith that he did deliver the same paper with a direction to Sir Jacob Ashley, and told him withall, here is a paper with a direction, you know the hand, keepe it secret, I have showed it to nobody; if there be no occasion to use it, you may burne it;—and saith he spake no more of it to him till after my Lord of Holland's coming down to be generall, and then he spake to him to burne it.

WILLIAM LEGG.

The Examination of Sir Jacob Ashley, taken before the Lords Committees, this twenty-ninth of October, 1641.

To the First Interrogatory.—He saith that he hath knowne Serjeant-major Daniel Oneale very long, and that he was long absent from the army the last summer, but knows not at what time he did returne, nor knowes not how long it was that he stayed in the army before his going to the Low Countries, but thinks it to be about three weekes.

To the Second.—He saith, That Mr. Oneale told him, after his coming downe last, that things being not so well betwixt the king and parliament, hee thought a petition from the army might doe very much good, and asked him, if a draught of such a petition were brought unto him, whether he would set his hand unto it, the particulars which he desired to have the army received in, were the want of martial law, want of pay, and for words spoken in the house of parliament against the army, as that the city was disaffected to the king's army, and would rather pay the Scots than them.

To the Third—He cannot answer.

To the Fourth—He cannot answer.

To the Fifth—He saith that he received a letter by the hands of Captain Legg, the tenour whereof, as farre as he remembers, was to this effect, the letter being written in two sides of paper, and somewhat more: First, That divers things were pressed by parties to infuse into the parliament things to the king's disadvantage, and that divers tumults and disordors were neere the parliament, to the disservice of the king. Divers other particulars were contained in this letter; and, in the close of this letter, it was recommended to this examinate that he should get the hands of the officers of the army to such a declaration, to be sent to the parliament, and that this would be acceptable to the king. Hee further saith, he knowes not of whose hand-writing it was, nor who delivered it to Captain Legg.

To the Seventh—He saith that Mr. Oneale telling him of the dislikes which were betweene the king and the parliament, and of those things which were done to the disadvantage of the king, they must fight with the Scots first, and beat them, before they could move southward; and that done, they must spoyle the country all along as they goe; and when they doe come to *London*, they would find resistance by the parliament, and the Scots might rally and follow them; to which Oneale replyed, what if the Scots would be made neutrall? This examinate then said, that the Scots would lay him by the heeles, if he should come to move such a thing; for that they would never break with the parliament.

Presently replyed, I wondred that counsells should be so laid as had been spoken of, of the marching of the army to the south.

To the Eighth Interrogatory.—He further sayes, that there was, at the end of the letter, a direction to this effect: Captain William Legg, I command you that you show this letter to none but Jacob Ashley. Above this direction were set these two letters, C. R.

JACOB ASHLEY.

The Examination of Sir John Coniers, taken upon oath before the Lords Committees, upon Friday the 29th of October, 1641.

To the First Interrogatory.—He saith, that he knowes very well Master Daniel Oneale, who was Serjeant-major to his regiment; that the

said Oneale came up to London about November last, and returned to the army about midsummer.

To the Second.—That Oneale, after his return to the army in summer, spake twice unto this examinate of a petition to be sent from the army to the parliament, and told him that, because they did not know if himselfe would consent unto it, they would first petition him that he would approve of it; but that as yet there were but few hands to that petition, which was to be preferred to him, and therefore would not show it him.

To the Fourth.—That the said Oneale used persuasions to this examinate that he would serve the king; that, if he did not, he should be left alone, and would but ruine himself; for that all the troops under him were that way enclined. That, therefore, he should adhere to the king, and goe those ways that the king would have him, or words to that effect.

To the Fifth.—That he saw a paper containing some directions for a declaration to be subscribed unto by the officers of the army; which paper was in Sir Jacob Ashley's hand; he saith it was long, containing two sides of a sheet of paper, or thereabout; the effect whereof was something concerning martiall law and better payment for the army, together with some other particulars; that it was to be directed to the parliament; and that there were two letters, viz. C. R., at the end: That he doth not know who brought it unto Sir Jacob Ashley, but that both of them were very much troubled at it. He saith farther, that there was a direction at the end of the writing that nobody should see it but Sir Jacob Ashley; and the two letters C. R. were, as he remembers, to that direction, but whether before or after that direction he cannot affirme.

To the Seventh.—That he never heard Master Oneale himself speak of his going to *Newcastle*, but that he heard it from others; and, as he takes it, from his wife, the Lady Conyers; and that, whosoever it was told him so, told him withall that Oneale himselfe said so.

The Second Examination of Sir John Conyers, taken before the Lords Committees, upon Saturday the 30th of October.

To the Fourth Interrogatory.—That Master Oneale said to him, that if he, this examinant, had been well known to the king, the king

would have written to him, and therefore he conceived this examinant should doe well to write unto the king; to which he replyed, that he could not serve the king in that point; and therefore he thought it would be of no use to trouble the king with his letters.

To the Fifth.—That the paper mentioned in his former examination to have been seen by him in Sir Jacob Ashley's hand, contained directions for a petition to be presented to the king and parliament, in which was a clause to this effect: That whereas all men ought to give God thankes for putting it into the king's heart to condescend to the desires of the parliament, not only to deliver up unto them many of his servants and others, who were neere unto him, to be at their disposing, but also to doe many things, which none of his ancestors would have consented unto, as giving way to the triennial parliament, and granting many other things for the good of his subjects; yet, notwithstanding some turbulent spirits, backt by rude and tumultuous mechanick persons, seemed not to be satisfied, but would have the totall subversion of the government of the state; that therefore the army, which was so orderly governed, notwithstanding they had no martiall law, and ill payment, and but few officers, being of so good compartment, might be called up to attend the person of the king and parliament, for their security. This examinant further saith, that there were many other passages in this petition, which hee doth not now remember, only that there was some expression of a desire that both armies should be disbanded for the ease of the kingdome; and likewise a direction to procure as many of the officers hands as could be gotten.

To the Seventh.—That he remembers well that it was not his wife, but Sir Jacob Ashley, that said to him those words: Oneale goes, or else Oneale, saith he, will goe to Newcastle; but which of the sayings it was, he doth not well remember, but saith he replyed to it that Oneale said nothing to him of that.

This examinant further saith, that hee took occasion upon these passages from *O'Neal*, to command him and Sir John Bartlet, and all other officers, to repair to their quarters, to be ready to perfect their accounts with the country against the time they should be called for.

Jo. Conisbs.

The Examination of Sir Foulke Hunks, taken before the Lords Committees, upon Friday, October 29, 1641.

To the First Interrogatory.—He saith, That he doth well know Master Daniel O'Neale, who was Serjeant-major to Sir John Coniers: That he went from the army to London about the time that the king came out of the North to the parliament; and that he returned againe to the army, about that time, when Commissarie Wilmot and other souldiers were committed by the parliament.

To the Second.—That the said O'Neale perswaded him, this examinant, to take part with the king, or something to that purpose; and that thereupon this examinant acquainted the lieutenant-general with it, and presently repaired to his own quarter, to keep the souldiers in order, where he staid not above two or three dayes, till he heard that O'Neale was fled. Hee further saith, that O'Neale dealt with him to have the troopes move; to which he replyed, that he had received no such direction from his superiours, nor from the king: And that then he offered him a paper, and pressed him to sign it; whereupon hee, this examinant, asked if the generall, or lieutenant-generall, had signed it; to which O'Neale answering they had not, hee said that he would not be so unmannerly as to sign any thing before them, and refused to reade it. He saith likewise, that Captaine Armstrong was present at the same time, and that O'Neale offered it to him, who looking upon the examinant, this examinant did shake his head at him, to make a sign that he should not doe it, and withall went out of the roome; and Armstrong afterwards refused it, giving this reason, that he would not signe it when his colonell had refused it, which he told this examinant.

To the Third.—Hee saith, That O'Neale told him he had very good authority for what he did; but did not tell him from whom.

To the Seventh.—That Mr. O'Neale told him he was to goe to the Scottish army, but saith he doth not know for what end and purpose he would goe thither; for that this examinant shunned to have any thing more to doe with him.

Foulk Hunks.

The Examination of Sir William Balfour, Lieutenant of the Tower, taken the second of June.

To the First Interrogatory.—He saith, he was commanded to receive Captaine Billingsley into the Tower with 100 men, for securing of the place, and that he was told they should be under his command.

To the Second Interrogatory.—He saith, The Earl of Strafford told him it would be dangerous in case he should refuse to let them in.

To the Third.—He referreth himselfe to the former depositions of the three women taken before the Constable and himselfe: And further saith, That the Earl of Strafford himselfe, after he had expostulated with him for holding Mr. Slingsby at the Tower gate; and after telling the said earle he had reason so to doe, in regard of what the women had deposed, by which it appeared there was an escape intended by his lordship; himselfe acknowledged he had named the word *escape* twice or thrice in his discourse with Mr. Slingsby, but that he meant it should be by the king's authority, to remove him out of the Tower to some other castle; and he did aske Mr. Slingsby where his brother was and the ship.

To the Fourth Interrogatory.—This examinant saith, The Earl of Strafford sent for him some three or foure dayes before his death, and did strive to perswade him that he might make an escape, and said, for without your connivance I know it cannot bee; and if you will consent thereunto, I will make you to have 20,000 pounds paid you, besides a good marriage for your sonne. To which this examinant replyed, he was so farr from concurring with his lordship, as that his honour, would not suffer him to connive at his escape; and withall told him, he was not to be moved to harken thereunto.

W. Balfour.

Ex. in presence of us, Essex, Warwicke, L. Wharton, Manchester.

James Wadsworth lies at the Half Moone in Queen's Street, at Cocket's House, a Joyner divers Officers lie, which is the next door.

Coll. LINDSEY, *Die Martis, 4. Maii,* 1641.
Capt. KIRK.

James Wadsworth,

He saith that one ancient Knot told him severall times the last week, that Sir John Suckling was raising of officers for three regiments for Portugall; and saith, that he this examinant was at the Portugall ambassadour's on Sunday last, and then the ambassadour told him that he knew not Sir John Suckling, nor any thing at all of Sir John Suckling's raising of men for Portugall; and the ambassadour himselfe had no commission to treat for any men till he heard out of Portugall.

Tuesday, the 11th of May, 1641.

The Examination of John Lanyon.

Hee was upon Easter eve last, and severall times since, troubled by Captain *Billingsley* to enter into an expedition for Portugall with Sir *John Suckling*. And when this examinant told him that he was his majesty's servant, and could not goe without leave, Captaine Billingsley bid him take no care, for that he should have leave procured; and further desired him to get as many canoneers as he could.

This examinant doubting whether they were reall in that designe, repaired to the Portugall ambassadour's, and there understood from his secretary that hee was willing to have men, but they knew neither Sir *John Suckling* nor Captaine Billingsley; neither had they from them any commission to raise men.

Hee likewise saith, that Captain Billingsley did after sollicite this examinant to come to Sir *John Suckling*; and that upon Sunday was se'nnight last, Sir *John Suckling* and Captaine Billingsley, with many other officers, repaired unto his house in the afternoone, and there staid two hours at least; the examinant not coming in, they left a note hee should be with them that night at Sparagus

Garden at supper; whereof this examinant failing, Captaine Billingsley comes again to his house on Monday morning, and not finding him there, left word that he must needs come to the Covent Garden, to Sir *John Suckling's* lodging, which accordingly he did; but not finding him there, the same day he was with Captaine *Billingsley* at the Dog Tavern in *Westminster*, at which time he did farther appoint this examinant upon Wednesday, to promise Sir *John Suckling* a meeting at the Dolphin, in Gray's-Inn Lane, about nine of the clock in the forenoone, where, the same day, came some thirty more, which were appointed by Sir *John Suckling* and Captaine *Billingsley*; but neither Sir *John Suckling* or *Billingsley* came, only there came one and gave them money, and so dismist them for the present.

This examinant further saith, That Captaine *Billingsley* having notice that he had some store of arms of his owne, told him Sir *John Suckling* would buy them all if he pleased to sell them.

Captaine *Billingsley* likewise told this examinant, that Sir *John Suckling* had furnished himselfe for money, and all the company.

JOHN LANYON.

Quarto die Maii, 1641.

Elizabeth Nutt, wife of *William Nutt* of Tower Street, *London*, merchant, and Anne Bardsey of Tower Street, aforesaid, widow, say, that they being desirous to see the Earl of Strafford, came to *Anne Vyner*, wife of Thomas Vyner, clerk to the lieutenant of the Tower, whose lodging being near to the king's gallery, where the said earle useth to walke, carried them to a back doore of the said gallery, the said earl with one other being then walking. And they three being then there, and peeping through the key-hole, and other places of the doore, to see the said earle, did heare him and the said other party conferring about an escape as they conceived, saying, that it must be done when all was still, and asked the said party where his brother's ship was, who said she was gone below in the river; and heard them say, that they three might be there in twelve houres, and doubted not to escape, if something which was said concerning the lieutenant of the Tower were done; but what that was, as also where they might be in twelve houres, they could not heare, by reason that when they walked further off they could not perfectly heare. And the said Mrs. *Nutt* and Mrs. *Bardsey* say, that they heard the said earle

then say, that if this fort could be safely guarded or secured for three or foure moneths, there would come ayde enough; and divers other words tending to the purposes aforesaid, which they cannot now remember.

And further, all of them say, that they heard the said earle three times mention an escape, saying, that if any thing had been done, his majestie might safely have sent for him; but now there was nothing to be thought on but an escape; and heard the said other partie telling his lordship, that the outward gates were now as surely guarded as those within. To whom the said earle said, the easier our escape that way, pointing to the east, if the said party and some others should obey the directions of the said earl: But what those were they know not; but heard the said party answer, they would do any thing his lordship should command.

ANNE VYNER.
ANNE BARDSEY.
Signum.
ELIZ. E. N. NUTT.

These depositions are [illegible]ted as they were published by the parliament, along with "the [illegible]aration or remonstrance of the lords and commons in parliament assembled, May 19, 1642." I have taken them from Husband's Collection, 1643.

In a previous declaration presented to Charles at Newmarket, the lords and commons, in stating their causes of jealousy, use this language: "The manifold attempts to provoke your majestie's late army, and the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom: That those who have been actors in those businesses have had their dependence and encouragement from the court; witnesse the treason whereof Master Jermyn and others stand accused, who was transported beyond sea by warrant under your majestie's hand, after your majesty had laid a strict command upon all your servants that none of them should depart the court." Id. p. 98.

To this Charles answers thus: "For Master Jermyn, it is well known that he was gone from Whitehall before we received the desire of both houses for the restraint of our servants, neither returned hee thither, or passed over by any warrant granted by us *after that time.*" Id. p. 106. The warrant the reader will find amongst the depositions above, pp. 604-5.

The lords and commons reply thus. "We doe not affirme that his

majestic's warrant was granted for the passage of Master Jermyn, after the desire of both houses for restraint of his servants, *but only that he did passe over after that restraint by virtue of such a warrant. We know the warrant beares date the day before our desire, yet it seemes strange to those who know how great respect and power Mr. Jermine had in court, that hee should begin his journey in such haste, and in apparell so unfit for travaille as a black sattin suit and white boots, if going away were designed the day before.*" Id. p. 200.

These depositions, &c. sufficiently prove the dangerous nature of the conspiracy; and yet it is evident that the witnesses did not, in their anxiety to save their credit at court, give quite an accurate account of the particulars. Had their depositions been liable to question by the king, he, as having been grossly slandered, had a direct interest in the punishment of his defamers, and ought never to have trusted the witnesses more; yet most of them were all along treated by him as his most confidential servants. Legg was designated honest Will Legg. The object of the king was to screen them all from punishment; and when he found his expectations of accomplishing his purpose so far frustrated by parliament, he vowed vengeance against that assembly. "I hope," says he, in an apostyle to a letter from Nicholas, informing him of the apprehension, &c. of Sir John Berkeley and Capt. O'Neale, "I hope some day they may repent their severities." Note. The letters were returned with these apostyles or directions. Append. to Evelyn's Mem. Correspondence between K. Charles I. and Sir Edward Nicholas, p. 206. See also p. 7, 8, 9, 10, in proof of his extreme desire to screen the individuals implicated.

Clarendon, who pretends that there was only one petition ever prepared, and gives what he is pleased to call a copy of the original in another place informs us, that Chudleigh "being then a very young man, and of a stirring spirit, and desirous of a name, had expressed much zeal to the king's service, and been busy in inclining the army to engage in *such petitions and undertakings as were not gracious to the parliament.*" But, when that discovery was made by Mr. Goring, as before remembered, and a committee appointed to examine the combination, this gentleman, *wrought upon by hopes or fears*, in his examination, said much that was disadvantageous to the court; and therefore bringing no other testimony with him to Oxford *but of his own confidence*, he received nothing like countenance there." Ibid. vol. iii. p. 272. What Charles and his advisers expected of this witness, may be inferred from his treatment of Northumberland, because *he would not perjure himself to save Strafforde.* Clarendon eulogizes the gene-

osity of Chudleigh's temper. Ib. The noble historian, too, in afterwards giving an account of Daniel O'Neil, who had been a courtier very early, had received the best education, to which he joined the most insinuating address, and had a competent fortune, says, in relation to the army-plot, "that when the parliament grew too imperious, he entered very frankly into those new designs which were contrived at court, with less *circumspection* than both the season and the weight of the affair required. And in this combination, in which men were most concerned for themselves, and to receive good recompense for the adventures they made, he had either been promised, or at least encouraged by the queen to hope to be made groom of the bedchamber, when a vacancy should happen." Vol. iv. p. 610-11. Is not this a full admission of what he elsewhere so confidently denies? See also Supplement to State Papers, character of Sir John Berkeley (called Bartley in the depositions,) vol. iii. p. 74.

The following passage from Clarendon's Life by himself, which is referred to by us, may properly be given here. "After the king came to Oxford with his army, his majesty one day speaking with the Lord Falkland very graciously concerning Mr. Hyde, said he had such a peculiar style, that he could know any thing written by him if it were brought to him by a stranger, amongst a multitude of writings by other men. The Lord Falkland answered, he doubted his majesty could hardly do that, because he himself, who had so long conversation and friendship with him, was often deceived, and often met with things written by him, of which he could never have suspected him, upon the variety of arguments. To which the king replied, he would lay him an *angel*, that, let the argument be what it would, he should never bring him a sheet of paper (for he would not undertake to judge of less) of his writing, but he would discover it to be his. The Lord Falkand told him it should be a wager; but neither the one nor the other ever mentioned it to Mr. Hyde. Some days after, the Lord Falkland brought several packets, which he had then received from London, to the king, before he had opened them, as he used to do; and after he had read his several letters of intelligence, he took out the prints of diurnals, and speeches, and the like, which were every day printed at London, and as constantly sent to Oxford: And amongst the rest, there were two speeches, the one made by the Lord Pembroke for an accommodation, and the other by the Lord Brooke against it, and for the carrying on the war with more vigour, and utterly to root out the courtiers, which were the king's party. The king was very much pleased with reading the speeches, and said

he did not think that Pembroke could speak so long together, though every word he said was so much his own, that nobody else could make it. And so, after he had pleased himself with reading the speeches over again, and then passed to other papers, the Lord Falkland whispered in his ear, (for there were other persons by,) desiring him he would pay him the *angel*, which his majesty in the instant apprehending, blushed, and put his hand in his pocket, and gave him an *angel*, saying, he had never paid a wager more willingly: And was very merry upon it, and would often call upon Mr. Hyde for a speech or a letter, which he very often prepared upon several occasions; and the king always commanded them to be printed. And he was often wont to say, many years after, that he would be very glad he could make a collection of all those papers which he had written occasionally at that time, which he could never do, though he got many of them."—Life, vol. i. p. 69, 70. 136, 137.

Surely such an individual ought to be regarded as a very suspicious authority for statements in a history which he undertook, as himself informs us, at the express desire of the king, "*and for his vindication.*" Hist. vol. iv. p. 627. See also Life, vol. i. p. 199—202. But his numerous contradictions, and palpable mis-statements, which we expose throughout our work, set his veracity as an historian at rest.

Madam de Motteville, who informs us that she had her information from the queen herself, (Tome i. p. 251.) gives an account of the army-plot, as having been carried on at the desire of the king and queen, and been meritorious in itself. Id. p. 252, *et seq.* She justly ascribes the disclosure by Goring to his disappointment in the command.

END OF VOLUME THIRD.

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ERRATA.

VOL. III.

Page 32. line 19. *for* idea *read* ideal.
94. *for* royal cabinet opened, &c. as a reference, *read* Ludlow, vol. i. p. 156.
100. line 17. dele *not.*
108. line 20. *for* Lord Goring *read* Colonel, son of Lord Goring.
126. note, line 2. *for* collect *read* collate.
line 3, 4. rectify the punctuation thus, "urged by him then, used," &c.
137. line 12. *for* Queen Mary, should, *read* Queen Mary, *they* should.
165. note, line 7. *for* princes *read* prince.
173. line 19. *for* should entirely, read *they* should entirely.
174. line 20. *for* bill in favour of, *read* commission to.
311. note, line 22. dele *not.*
386. line 20. *for* Chester *read* Chichester.
392. line 8. *for* pursuers *read* supporters.
411. note, line 4. *for* wrath *read* wealth.
440. line 17. *for* was *read* were.
445. line 2. in punctuation, make a comma after men.
458. line 20. *for* Charles he *read* him Charles.
49 line 20. *for* appointments *read* appointment.
491 note, line 10. *for* vigour *read* rigour.
542 line 6. dele *who.*
563. note, line 17. *for* difficult *read* different.

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